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House Floor Debate - Volume III

March 23, 2011

1

THE HOUSE COMMITTEE ON ELECTIONS.

MARCH 23, 2011

VOL. III

1 CHAIR: Mr. Hochberg, for what purpose?

2 REPRESENTATIVE HOCHBERG: Will the
3 gentleman yield?

4 THE CHAIR: Will the gentleman yield? He
5 did. The gentleman yields.

6 REPRESENTATIVE HOCHBERG: Thank you.

7 Mr. Gallego, in your opinion, this means
8 that folks your rural community are going to be less
9 likely to vote than folks in my urban community, and I
10 think you started to answer yes.

11 REPRESENTATIVE GALLEGO: Absolutely, I
12 think that is true. I think it is much more difficult
13 to get a Photo ID, the way that this bill is drafted.
14 And so what happens is people will end up staying home.

15 And I think a vote of someone who lives in
16 a rural area should be just as fundamental and just as
17 important as someone who lives in an urban area.

18 And so that's why I ask for some
19 consideration for these folks who elderly, just by the
20 demographics as the rural areas get older and there's
21 not that many of us who are rural left.

22 But we know that our population is getting
23 older and so this speaks to have some reasonable
24 accommodations for those rural areas.

25 And I see Mr. Chisum behind you, and Mr.

1 Chisum can tell you that he represents some communities,
2 too, that don't have driver's license offices, and the
3 person from DPS visits, maybe once a week.

4 And if they're sick, then nobody visits.
5 And so they'll go an entire month or sometimes without
6 having a visit from a driver's license place.

7 REPRESENTATIVE HOCHBERG: And so I'm going
8 to have to think about whether or not to vote with you
9 on this one because I would certainly like to increase
10 any advantage that the urban areas have in terms of
11 producing voters for statewide elections.

12 So if you say your Amendment is necessary
13 to help maintain rural voter turn-out, I'd have to think
14 about your Amendment for awhile.

15 REPRESENTATIVE GALLEGOS: Well, the truth is
16 that there's not enough people left in the rural area to
17 offset, which is why, for example, I have to represent
18 15 percent of the state by land and you have to
19 represent how many square Miles of Houston?

20 REPRESENTATIVE HOCHBERG: I have 14 square
21 Miles. I have 10,000 people per square mile.

22 REPRESENTATIVE GALLEGOS: How many square
23 Miles again?

24 REPRESENTATIVE HOCHBERG: 14.

25 REPRESENTATIVE GALLEGOS: And I represent

1 about 38,000 square miles. 14 square miles versus
2 38,000 square miles. And that, to me, is the essence.
3 We've drafted a one size fit all approach, and one size
4 doesn't fit all.

5 And so that's the challenge, and that's a
6 reasonable, I think very reasonable accommodation that I
7 seek for those folks who live in rural areas that don't
8 have access to that driver's license office on a regular
9 basis.

10 REPRESENTATIVE HOCHBERG: Thank you. I do
11 think you have a very good Amendment.

12 REPRESENTATIVE GALLEGGO: I appreciate that.
13 Mr. Hawkford, and I would ask, Members, that you vote no
14 on the motion to table.

15 And I appreciate the opportunity,
16 Ms. Harless. Thank you for the opportunity to have a
17 conversation about the Amendment.

18 THE CHAIR: Representative Gallego sends up
19 an Amendment. Representative Harless moves to table.

20 The vote is on the motion to table. Vote
21 aye or vote no.

22 Show Mr. Gallego voting no. Show
23 Representative Harless voting aye.

24 Have all voted? Have all voted?
25 Being 100 ayes and 49 nays.

1 The motion to table prevails.

2 The following Amendment.

3 The clerk will read the Amendment.

4 THE CLERK: Amendment by Anchia.

5 THE CHAIR: The chair recognizes
6 Representative Anchia.

7 REPRESENTATIVE ANCHIA: Thank you,
8 Mr. Speaker and members.

9 Representative Harless and I had a chance
10 to visit when I temporarily pulled this down, and I
11 believe there's going to be some back mic questions so I
12 yield.

13 THE CHAIR: Representative Harless, for
14 what purpose?

15 REPRESENTATIVE HARLESS: Will the member
16 yield?

17 THE CHAIR: Will you yield?

18 REPRESENTATIVE ANCHIA: I do.

19 REPRESENTATIVE HARLESS: Representative
20 Anchia, we discussed that this Amendment is all for the
21 ID card for voting, correct?

22 REPRESENTATIVE ANCHIA: That is correct.

23 REPRESENTATIVE HARLESS: And that ID is
24 issued by the DPS free of charge?

25 REPRESENTATIVE ANCHIA: That is correct.

1 REPRESENTATIVE HARLESS: And what your
2 Amendment does say is that if for whatever reason they
3 need to get a replacement or duplicate ID because they
4 moved and changed their address or they lost it, it
5 would continue to be free?

6 REPRESENTATIVE ANCHIA: That is correct.
7 That is absolutely correct, and the term of art is a
8 duplicate ID, and that picks up people who, for example,
9 who move or who changed their name, typically because of
10 marriage or divorce.

11 That category of state ID for purposes of
12 voting is called a duplicate. It's neither a new or
13 renewal.

14 REPRESENTATIVE HARLESS: So we had a
15 conversation with DPS.

16 REPRESENTATIVE ANCHIA: Yes.

17 REPRESENTATIVE HARLESS: And they are going
18 to give us a formal ruling on this.

19 So I accept this Amendment, and if we need
20 to have more conversation about it, we can.

21 REPRESENTATIVE ANCHIA: Thank you for
22 taking the Amendment.

23 THE CHAIR: Mr. Anchia, sends up the
24 Amendment. The Amendment is acceptable to the author.

25 Is there an objection?

1 The Chair hears none.

2 The Amendment is adopted.

3 The following Amendment.

4 The clerk will read the Amendment.

5 THE CLERK: Amendment Martinez.

6 THE CHAIR: The chair recognizes

7 Representative Martinez.

8 REPRESENTATIVE MARTINEZ: Thank you,

9 Mr. Speaker, members.

10 This Amendment requires that employees at
11 the Department of Public Safety inform anybody applying
12 for a state identification card or renewal, that they
13 state it is free of charge if they intend to use it for
14 voting purposes.

15 So pretty much, all you're going to be
16 doing is if an individual goes in and they're going to
17 apply for a Voter ID card or for an ID card or for a
18 driver's license, people at DPS will be telling them
19 that if it is used for voting purposes, there is no
20 charge for the ID and it is free of charge.

21 So DPS employees already ask applicants if
22 they wish to register to vote and a link is provided for
23 those who renew on-line.

24 So this Amendment would fit neatly into the
25 system already in place for educating citizens about

1 voting. And as the DPS employee is interacting with the
2 customer, they should make sure the person has the
3 opportunity to receive a free ID if they need it to
4 satisfy the requirements of a Photo ID Voting Law.

5 THE CHAIR: The chair recognizes
6 Representative Harless in opposition.

7 REPRESENTATIVE HARLESS: Members,
8 Mr. Speaker, this Amendment actually provides for free
9 ID cards for those who need it. But this Amendment will
10 create an opportunity for people to get a free driver's
11 license if they say they're going to use it to vote and
12 I have to oppose the Amendment.

13 THE CHAIR: The chair recognizes
14 Representative Martinez to close.

15 REPRESENTATIVE MARTINEZ: Okay. Members,
16 once again we're saying that a Photo ID is free if
17 you're going to use it for voting, but yet DPS can't
18 inform you that if you're using it for voting that it's
19 free.

20 So if we're not going to be honest with the
21 public and when they go into renew their driver's
22 license or get a Photo ID card, then what's the purpose
23 of even having this bill?

24 What we need to do is make sure that when
25 we educate the public so that when they do go into renew

1 their ID or they go into renew their driver's license,
2 that they can get an ID for free if it's being used for
3 voting purposes.

4 No reason to mislead the public. We should
5 tell them. We should be honest and transparent. And I
6 ask you to vote no on the motion to table.

7 THE CHAIR: Mr. Martinez sends up an
8 Amendment. Representative Harless moves to table. This
9 is on the motion to table.

10 Vote aye or vote nay.

11 Show Representative Harless voting aye.

12 Show Representative Martinez voting no.

13 Have all voted? Have all voted?

14 Being 100 ayes, 45 nays. The motion to
15 table prevails.

16 The following Amendment.

17 The clerk will read the Amendment.

18 THE CLERK: Amendment by Alonzo.

19 THE CHAIR: The clerk will read the
20 Amendment.

21 THE CLERK: Amendment by Bohac.

22 THE CHAIR: The clerk will read the
23 Amendment.

24 THE CLERK: Amendment by Bonnen.

25 THE CHAIR: The chair recognizes

1 Representative Bonnen.

2 REPRESENTATIVE BONNEN: Mr. Speaker,
3 Members, we've had a lot of different Amendments, a lot
4 of different discussions today so it's very important
5 that this Amendment come onto the bill. I know it's
6 acceptable to the author.

7 This is simply what's called a severability
8 clause. Meaning, that if any section of this bill is
9 being challenged in the court, the rest of the bill
10 becomes an active part of law. This is actually
11 standard in most major bills that we pass.

12 So I move passage.

13 THE CHAIR: Representative Bonnen sends up
14 an Amendment. The Amendment is acceptable to the
15 author.

16 Is there an objection?

17 The Chair hears none.

18 The Amendment is adopted.

19 The following Amendment.

20 The clerk will read the Amendment.

21 THE CLERK: Amendment by Alonzo.

22 THE CHAIR: The chair recognizes
23 Representative Alonzo.

24 REPRESENTATIVE ALONZO: Thank you,
25 Mr. Speaker, Members.

1 What this Amendment does is similar to
2 Mr. Rodriguez. It allows for same-day registration.
3 What we want to do or the intent allegedly, is to
4 encourage more participation.

5 And we heard that this type of legislation
6 has been approved, you know, by Indiana. It went to the
7 Supreme Court.

8 But it was approved as long as it provided
9 for a limited burden on voters rights that justified the
10 states interest in election procedures in (inaudible).

11 Well, what we want to try to do with this
12 Amendment is improve the election process. Improve
13 election participation.

14 And what I'm saying with this Amendment, as
15 we heard before, is there's other examples of where you
16 allow for same day voter registration. I don't see a
17 reason why we should I wait 30 days. We want people to
18 vote that are eligible to vote on the day they should
19 register and be allowed to vote.

20 So with that, Mr. Speaker and Members, I
21 ask that we approve this legislation.

22 THE CHAIR: The chair recognizes
23 Representative Harless in opposition.

24 REPRESENTATIVE HARLESS: Thank you,
25 Members. We've had this discussion. I'd ask you to

1 move to table.

2 THE CHAIR: The chair recognizes
3 Representative Alonzo to close.

4 REPRESENTATIVE ALONZO: Thank you,
5 Mr. Speaker. Members.

6 You know not only have we had this
7 discussion now. Today, we've had this discussion for
8 some time. And in the past, we rejected -- we have not
9 passed this legislation.

10 Well, although people have said this
11 legislation is going to pass, well, let's make it a
12 little bit better.

13 How can we make it a little bit better? By
14 allowing the process to get better. How can the process
15 get better? If we want people to vote as we say this
16 legislation is going to allow for more people to vote,
17 let them vote the day they get registered.

18 Let them vote, I say, Members -- there you
19 go. Let my people vote. I say, let the people of Texas
20 -- let Texas vote.

21 This is the slogan, Members. You vote for
22 this Amendment, you're saying let Texas vote. Let
23 Texans vote. Remember, let's all do it together. I'm
24 kidding.

25 But vote no on the motion to table.

1 THE CHAIR: Mr. Alonzo sends up an
2 Amendment. Representative Harless moves to table. This
3 on the motion to table.

4 Vote aye or vote nay.

5 Show Ms. Harless voting aye. Show
6 Mr. Alonzo voting nay.

7 Have all voted? All voted?

8 Being 99 ayes and 48 nays, the motion to
9 table prevails.

10 THE CLERK: Mr. Gutierrez on the floor of
11 the House.

12 THE CHAIR: The following Amendment.

13 The clerk will read the Amendment.

14 THE CLERK: Amendment by Raymond.

15 THE CHAIR: The chair recognizes
16 Representative Raymond.

17 REPRESENTATIVE RAYMOND: Thank you,
18 Mr. Speaker, members.

19 Members, this Amendment would simply have
20 DPS, Department of Public Safety, create a travel
21 reimbursement program for travel to and from DPS offices
22 for the purposes of obtaining Photo ID for voting
23 purposes.

24 And would only -- the only people who would
25 qualify would be those who -- an individual who earns

1 not more than 100 percent of the income standard
2 established by the applicable federal poverty guideline.
3 In other words, poor people.

4 If you, any of you, like I grew up,
5 26 miles from the DPS office, my grandparents, 33 miles
6 from the DPS office. There are a lot of folks in this
7 State who fall into the poverty level.

8 As a matter of fact, as of last year, the
9 figures are around 4.26 million people in the State of
10 Texas that would fall at this level.

11 And so, Members, I don't know what your
12 personal experiences are, but you would recognize that
13 if somebody has to go any kind of distance at all to get
14 the required identification and they are poor, this is,
15 essentially, preventing them from being able to vote.

16 So I would move adoption.

17 THE CHAIR: The chair recognizes
18 Representative Phillips in opposition.

19 REPRESENTATIVE PHILLIPS: Thank you. I
20 would respectfully move to table. This bill is not
21 about reimbursing travel for Texans. It's about Voter
22 ID. Obviously there's no physical note and I would
23 respectfully move to table.

24 THE CHAIR: Mr. Raymond, for what purpose?

25 REPRESENTATIVE RAYMOND: Would the

1 gentleman yield for a couple of questions?

2 THE CHAIR: Will the gentleman yield?

3 REPRESENTATIVE PHILLIPS: For two
4 questions.

5 THE CHAIR: The gentleman yields.

6 REPRESENTATIVE RAYMOND: Well, I don't know
7 if you can answer them in two.

8 Mr. Phillips, you know that the State of
9 Texas in the last year, last year it was reported that
10 we had an additional around half a million or about
11 428,000 more people fell into poverty in the State of
12 Texas.

13 Are you aware of that?

14 REPRESENTATIVE PHILLIPS: We had a
15 population that has continued to grow. We had --

16 REPRESENTATIVE RAYMOND: But that last year
17 it was reported, the official figures it was reported
18 that over 400,000 people in the State of Texas fell into
19 the poverty level.

20 REPRESENTATIVE PHILLIPS: We have a much
21 larger state and much, much more popular state.

22 REPRESENTATIVE RAYMOND: Right. So we've
23 got over 4 million people that I would call poor. This
24 would be someone who earned, if you're an individual,
25 someone who would earn 10,000, \$800 a year. If you were

1 a family of two, it would be \$14,000 a year.

2 REPRESENTATIVE PHILLIPS: Mr. Raymond,
3 clearly in the bill, it affords those who can't afford a
4 Voter ID card. I think we're getting far afield from
5 this legislation.

6 REPRESENTATIVE RAYMOND: Well, here's what
7 concerns me, Larry, and I hope it concerns you:
8 Minorities in the State of Texas out number Anglos by 3
9 to 1 in terms of those who fall into the poverty level.
10 All right?

11 So what I am seeking to do here is to help
12 anyone who is poor who would have a hardship being able
13 to drive.

14 As I said where I grew up in Benavides, the
15 closest DPS office and there are a lot of people in
16 Benavides where I grew up, who are poorer than poor,
17 there are a lot of people who are from San Ysidro,
18 where my grandparents were, 33 miles away from the
19 closest DPS office.

20 There were a lot of people out there who
21 were poorer than poor, who were United States citizens,
22 who were qualified and registered voters, but with this
23 law, if were to pass, would have to go far away.

24 Now, I know you're not poor, but surely you
25 recognize that that can be a hardship on people. That,

1 you know, when you have the poll tax and you have a
2 dollar or \$2 to be able to vote, people say, a dollar,
3 \$2 to be able to vote, oh, that's not that much.

4 In this case, you're saying with your bill
5 that you're supporting here, that if it costs you 10 or
6 \$15 or \$20 to travel to go get what you need to get to
7 allow you to vote, well, then, suck it up, you're going
8 to have to do it if you want to vote.

9 REPRESENTATIVE PHILLIPS: Mr. Raymond, for
10 a long time people make decisions. They plan ahead, and
11 I don't think this --

12 REPRESENTATIVE RAYMOND: They plan ahead?

13 REPRESENTATIVE PHILLIPS: Yeah, they plan
14 ahead for when they need.

15 REPRESENTATIVE RAYMOND: They plan ahead to
16 be poor?

17 REPRESENTATIVE PHILLIPS: No. When they
18 need to register to vote. When they're going into town.

19 You're talking about traveling far. When
20 they're going to get services. So what you're doing --

21 REPRESENTATIVE RAYMOND: But people are
22 registered to vote early.

23 REPRESENTATIVE PHILLIPS: You're talking
24 about a certain class, and I'll respectfully disagree
25 that that's necessary here.

1 REPRESENTATIVE RAYMOND: So really, you
2 really believe --

3 REPRESENTATIVE PHILLIPS: You're talking
4 about traveling far and not having to be able to get
5 there.

6 REPRESENTATIVE RAYMOND: Let me just ask
7 you: You really believe that there will not be people
8 in the State of Texas, because they are poor who'll not
9 be able to afford to get what you're asking them to get
10 to be able to vote? You really believe that?

11 REPRESENTATIVE PHILLIPS: And we've had
12 some people here, from our own body, I mean, body that
13 testify about how important it is for the security and
14 confidence in election.

15 And they will go and they proudly will
16 obtain the right to vote.

17 REPRESENTATIVE RAYMOND: Would you just
18 answer the question honestly Larry?

19 REPRESENTATIVE PHILLIPS: I did.

20 REPRESENTATIVE RAYMOND: You really believe
21 of the 4 million people in the poor, 4 million people in
22 the State of Texas, nearly three fourths of which are
23 minority, this is why I believe this is aimed at
24 minorities, you believe that many of those people will
25 be able to -- --

1 REPRESENTATIVE PHILLIPS: No. I think --

2 REPRESENTATIVE RAYMOND: You think they're
3 all going to be able to vote?

4 REPRESENTATIVE PHILLIPS: No. I think
5 you're just raising an issue, and I think it's a red
6 herring. I think it's clear: I think the polls in this
7 state show that minorities by a majority.

8 THE CHAIR: The chair raises a point of
9 order. The gentleman's time has expired. The point of
10 order is well taken and sustained.

11 The chair recognizes Representative Raymond
12 to close.

13 REPRESENTATIVE RAYMOND: Members, all this
14 Amendment does is try to make sure that people who are
15 poor, who cannot afford to get to where they need to get
16 to be able to get the idea that allows them to vote,
17 that they're able to go. That's all that this is.

18 And, yes, a great majority of the poor
19 people in this state are minority.

20 And so I believe that this bill clearly is
21 aimed to try and disenfranchise minorities. If you
22 accept this Amendment, it will be a step in the right
23 direction because you're willing to acknowledge that
24 many of the people in this state who would not be able
25 to vote because of the bill that you're trying to pass

1 would have a better chance of being able to vote if they
2 needed it.

3 If they could, at least -- if they're
4 qualified. They'd have to be pretty poor by the way to
5 qualify for mileage to be able to get to the DPS office.

6 And any of you who grew up, by the way like
7 I did grew up in a rural town, you know in the State of
8 Texas, some of these offices are very far away from
9 where you live.

10 And with gasoline costs these days, you
11 think that there aren't going to be people that aren't
12 going to be able to get the necessary documentation and
13 necessary ID to the vote?

14 This, to me, is just another example of you
15 vote this down member and what your intentions are, and
16 that is to prevent people from voting, taking the right
17 away from people who have the right to vote. Taking it
18 away from as many as you can.

19 THE CHAIR: Mr. Raymond sends up an
20 Amendment. Mr. Raymond moves to place the remarks
21 between he and Representative Phillips in the journal.

22 Is there an objection?

23 The Chair hears none.

24 So ordered.

25 Mr. Raymond sends up an Amendment.

1 Mr. Phillips moves to table. The question's on the
2 motion to table.

3 Vote aye. Vote nay.

4 Show Mr. Phillips voting aye. Show
5 Mr. Raymond voting no. Show Mr. Pena voting aye. Show
6 Mr. Gutierrez voting no.

7 Have all voted?

8 Being 100 ayes. 46 nays.

9 The motion to table prevails.

10 Representative Geren. For what purpose?

11 REPRESENTATIVE GEREN: Mr. Speaker, would
12 you recognize me for a Motion to limit debate to the
13 number of Amendments that are currently filed and on
14 dias?

15 THE CHAIR: Members, you've heard the
16 motion. Is there an objection?

17 The Chair hears none.

18 So ordered.

19 The following Amendment.

20 The clerk will read the Amendment.

21 THE CLERK: Amendment by Gutierrez.

22 THE CHAIR: The chair recognizes
23 Representative Gutierrez.

24 REPRESENTATIVE GUTIERREZ: Thank you,
25 Mr. Speaker, Members.

1 Members, what this Amendment seeks to do --
2 and by the way, just out of the interest of time, I've
3 cut out two Amendments so we can get along and get
4 moving tonight.

5 But what this Amendment seeks to do is it
6 seeks to reimburse each county for any costs incurred by
7 any county in implementing this Voter Identification
8 Bill.

9 At end of the day, Members, it's real
10 important to understand that this is an unfunded
11 mandate. And we heard that mentioned earlier, but the
12 LBB has suggested that there is a cost to our counties
13 back home.

14 In Tarrant County, the cost of implementing
15 this particular legislation would cost about \$8,000. My
16 hometown in Bear County, we suggest is, LBB suggests
17 that that cost would be about \$381,000.

18 I'll tell you what, I've got a Republican
19 commissioner back home who would rather have us focus on
20 the business of doing the business of Texas and not
21 Voter ID, where we're going to submit an unfunded
22 mandate to our community.

23 So what this bill seeks to do is it seeks
24 to have the Secretary of State reimburse the counties
25 for any change in ballots, change in voter

1 registrations, any costs that are produced as a change
2 of the law.

3 I think it's important to note that I sat
4 on this Voter ID Committee, and we had the State of
5 Georgia come in, we had the State of Indiana come in and
6 those folks told us that the real costs of this
7 legislation to them was over 8 and \$10 million.

8 I think it's disingenuous for LBB to tell
9 us that this is going to costs \$2 million. So I think
10 it's real important that we look at this idea of an
11 unfunded mandate. So I'd ask you to give this some
12 thought and support this Amendment.

13 THE CHAIR: The chair recognizes
14 Representative Harless in opposition.

15 REPRESENTATIVE HARLESS: Members, I would
16 move to table this Amendment. This is an additional
17 cost to the State, to the fiscal note.

18 The county's already have appropriated
19 money from the Secretary of State to do these elections,
20 costs and training. And it's something in their normal
21 scope of duty. I move to table.

22 THE CHAIR: The chair recognizes
23 Representative Gutierrez to close.

24 REPRESENTATIVE GUTIERREZ: Members, this is
25 nothing more -- this piece of legislation is nothing

1 more than an unfunded mandate at a time when we're
2 \$27 million in the hole. We have better things to do in
3 this legislative body than to tax our counties more.

4 And at the very least, if we're going to do
5 this, we need to be genuine. We need to know what the
6 real cost of this legislation is.

7 I respectfully submit to you that it's not
8 \$2 million. It's closer to 8 and \$10 million as smaller
9 states have experienced.

10 Thank you very much. I really appreciate
11 that you support my Amendment.

12 THE CHAIR: Representative Gutierrez sends
13 up an Amendment. Representative Harless moves to table.
14 This is on the motion to table.

15 Vote aye. Vote nay.

16 Show Ms. Harless voting aye. Show Mr. Cook
17 voting aye. Show Mr. Smith voting aye. Show Mr. Kefler
18 voting aye.

19 Have all voted? Show Mr. Zedler voting
20 aye.

21 Okay. 99 ayes. 47 nays. The motion to
22 table prevails.

23 The following Amendment.

24 The clerk will read the Amendment.

25 The chair recognizes Representative Kefler

1 for a motion.

2 REPRESENTATIVE KEFFER: Mr. Speaker, the
3 members of Committee on Energy Resources to meet while
4 the House is in session at 1:00 p.m. tomorrow,
5 March 24th, 2011, at E2036 to consider pending business.

6 THE CHAIR: Members, you've heard the
7 motion.

8 Is there an objection?

9 The Chair hears none.

10 So ordered.

11 The chair recognizes Representative Keffer.

12 REPRESENTATIVE KEFFER: Thank you,
13 Mr. Speaker. I move to suspend the Five-Day Posting
14 Rule to allow the Committee on Energy Resources to
15 consider pending business at 1:00 p.m. tomorrow
16 March 24th, 2011, in E2036.

17 THE CHAIR: Members, you've heard the
18 motion.

19 Is there an objection?

20 The Chair hears none.

21 So ordered.

22 The Chair recognizes Representative Cook
23 for an announcement.

24 REPRESENTATIVE COOK: Thank you,
25 Mr. Speaker. The Committee on State Affairs' meeting

1 tonight is cancelled and it is already posted for a
2 meeting tomorrow.

3 THE CHAIR: The chair recognizes
4 Representative Smith for an announcement.

5 REPRESENTATIVE SMITH: The Committee on
6 Environmental Regulations is cancelled for today.

7 THE CHAIR: The following Amendment.
8 The clerk will read the Amendment.

9 THE CLERK: Amendment by Castro.

10 REPRESENTATIVE CASTRO: Thank you,
11 Mr. Speaker, Members.

12 This Amendment -- because in this bill we
13 are requiring folks to have their Photo ID in order to
14 vote, and the argument has been made by the author that
15 that's important for the integrity of the voting
16 process.

17 What my Amendment says is that if somebody
18 who is not an election officer demands that a voter who
19 is approaching the voting booth at the polling site
20 demand that the voter show that ID to them and they're
21 not an election officer, that there is a penalty set up.

22 In other words, you know, we have people
23 who are poll watchers, which is fine. But we don't want
24 them to cross the line and start harassing people and
25 demanding that people show them their ID before that

1 person can go on and vote.

2 So that's what my Amendment will do. It's
3 a way to make sure -- the Voter ID Bill -- it's a way to
4 make sure that people don't fraudulently vote. This is
5 a way to make sure that votes are not stolen from folks
6 who are going to vote.

7 So I would ask your consideration and move
8 for adoption.

9 THE CHAIR: Representative Harless to speak
10 against the Amendment.

11 REPRESENTATIVE HARLESS: Members,
12 Mr. Speaker, I think the premise of this is probably a
13 very good one. It was not vetted through the Committee.
14 And because of that, I think it's difficult to offer an
15 opinion to somebody that's working at the poll that --

16 REPRESENTATIVE CASTRO: Mr. Speaker.

17 THE CHAIR: Representative Castro, for what
18 purpose?

19 REPRESENTATIVE CASTRO: Will the gentlelady
20 yield for a question?

21 THE CHAIR: Do you yield?

22 REPRESENTATIVE HARLESS: Can I finish just
23 one second?

24 REPRESENTATIVE CASTRO: Well, I think you
25 should --

1 THE CHAIR: She chooses not to yield at
2 this time.

3 REPRESENTATIVE HARLESS: But it says in
4 here that an offense under this section is a felony
5 under the third degree unless the person is convicted of
6 an intent. And in that case, it's a Class A
7 misdemeanor.

8 I think it's pretty egregious when we
9 didn't have the opportunity to discuss this in
10 committee. And I will yield.

11 THE CHAIR: She yields.

12 REPRESENTATIVE CASTRO: You think that's
13 that egregious penalty? Is that what you said?

14 REPRESENTATIVE HARLESS: For someone that
15 is working at a poll that may be an official person
16 working.

17 REPRESENTATIVE CASTRO: No. No. No. No.
18 No. If you look at the language of the bill.

19 REPRESENTATIVE HARLESS: It says election
20 officer.

21 REPRESENTATIVE CASTRO: An election officer
22 is somebody who is --

23 REPRESENTATIVE HARLESS: It says election
24 judge or election clerk.

25 REPRESENTATIVE CASTRO: No. I think you're

1 misreading the Amendment. If it's somebody that is not
2 one of those people who demands that the voter show them
3 their ID.

4 REPRESENTATIVE HARLESS: I agree with that.

5 REPRESENTATIVE CASTRO: Well, then what do
6 you disagree with?

7 REPRESENTATIVE HARLESS: I disagree that
8 this wasn't vetted through the Committee. We didn't
9 have an opportunity to discuss it, and you're saying
10 that a poll worker that asks a question.

11 REPRESENTATIVE CASTRO: Well,
12 Representative, if that's the standard that you're
13 adopting, then what's the purpose of filing any
14 Amendments here? I mean, are we only supposed to do
15 work in the committee and that's it?

16 REPRESENTATIVE HARLESS: No. I think we've
17 accepted a lot of the Amendments that added to the bill.
18 I think adding the felony offense is outside of the
19 scope of what this intent of this legislation is.

20 REPRESENTATIVE CASTRO: Okay. It's outside
21 the scope of this legislation.

22 Are you aware that I came up with that
23 penalty because that's the penalty that's in your bill
24 for people who fraudulently vote?

25 REPRESENTATIVE HARLESS: That's exactly

1 right.

2 REPRESENTATIVE CASTRO: It's exactly right.
3 Well, then, what's wrong with the penalty?

4 REPRESENTATIVE HARLESS: If you would like
5 to file this bill, we'll see if we can't get a hearing
6 and then debate it on the floor. I think this is a good
7 bill to be debated but it wasn't debated in Committee,
8 and I move to table.

9 REPRESENTATIVE CASTRO: Representative, you
10 have to move off of your robotic responses. Okay?

11 You have conceded that the penalty is the
12 same as the penalty you've set for somebody that votes
13 illegally.

14 Would you agree that just as it's bad for
15 somebody to cast an illegal vote, it's also bad for
16 somebody to block a legitimate voter from voting? You
17 don't think that those two things are the same?

18 REPRESENTATIVE HARLESS: Mr. Castro --

19 REPRESENTATIVE CASTRO: Do you not think
20 that those two things are the same?

21 REPRESENTATIVE HARLESS: I think asking
22 somebody to see their driver's license and getting a
23 felony conviction for doing that and somebody
24 fraudulently casting a vote are two very different
25 things. I respectfully move that we table this --

1 REPRESENTATIVE CASTRO: So you believe that
2 somebody blocking a legitimate voter from casting a
3 ballot, stealing their vote is different from somebody
4 casting a legal vote?

5 Is the gentlelady not going to answer
6 anymore questions?

7 THE CHAIR: She yielded the floor.

8 THE CHAIR: Would you wish to close,
9 Mr. Castro? The chair recognizes Mr. Castro to close on
10 his Amendment.

11 REPRESENTATIVE CASTRO: Members, if we're
12 going to have a system of voting that requires people to
13 show identification, then I would ask you to read this
14 Amendment that's on your screen and tell me how it's not
15 a fair Amendment.

16 All this Amendment does is it says that
17 somebody who is at a voting site, whether they're
18 Republican or Democrat or rich or poor or from North
19 Texas or South Texas, that they cannot demand of a voter
20 that that voter show them their ID.

21 In other words, we don't want strangers at
22 a voting poll trying to stop voters all over the state
23 from going and voting.

24 And if they do that, if somebody does that,
25 then this Amendment, and if this Amendment was adopted,

1 this law would acknowledge that blocking a vote,
2 stealing a vote by not allowing somebody to vote, by
3 making it harder for somebody to vote, is the same thing
4 as casting an illegal vote.

5 The author of the bill, as has been the
6 theme today, could not explain a basic part of this
7 bill, could not explain why the penalties that I put
8 into my provision was any different from the penalty
9 that's in her own bill.

10 Members, if this process is going to be one
11 of integrity, and this process is going to be a fair
12 one, then we have to make sure that it's fair, not only
13 when people come inside the voting booth, but also when
14 they approach the polling site.

15 We have no problem with poll watchers, but
16 we have problem with -- we have a problem with people
17 who intimidate and harass voters, and that's what this
18 Amendment is about.

19 I move adoption.

20 THE CHAIR: Mr. Anchia, for what purpose?

21 REPRESENTATIVE ANCHIA: Will the gentleman
22 yield?

23 THE CHAIR: Will the gentleman yield?

24 REPRESENTATIVE CASTRO: I will.

25 THE CHAIR: He yields.

1 REPRESENTATIVE ANCHIA: As a narrative from
2 the author and the others who have sought to defend this
3 bill been that if one valid vote is -- we have invalid
4 votes or illegal votes that, they disenfranchise that
5 person who wants to cast a valid vote?

6 REPRESENTATIVE CASTRO: That's right. I
7 believe VAN Taylor, Representative Taylor, when he was
8 questioning you, mentioned that he's been a vote, that
9 there was a vote a woman was not able to cast in your
10 district in 2004.

11 So if it is correct --

12 REPRESENTATIVE ANCHIA: Let's say by
13 mail-in ballot, cancels a vote, a legitimate vote at the
14 polls, is it not also correct that a legitimate vote
15 that is prevented, that is prevented at the polls by
16 some suppression or intimidation is also an equal
17 travesty.

18 REPRESENTATIVE CASTRO: Absolutely,
19 Representative Anchia.

20 I think there's two points here. The first
21 is that now you have two portions of voting that are not
22 protected here.

23 First, there's nothing done in this bill
24 about mail-in ballots, even though 70 percent of the
25 cases that have been -- people that have been charged

1 have committed fraud on mail-in ballots.

2 And the second part is now we also don't
3 care about what you do when people are walking up to the
4 voting polls.

5 REPRESENTATIVE ANCHIA: And again, your
6 Amendment does not discuss poll workers or election
7 judges or anybody. These are third-party groups that
8 may be oh, outside the polling location that are telling
9 people, to. No. No. The election is not today. It's
10 tomorrow or are acting in an aggressive manner and are
11 intimidating voters so that they don't vote.

12 That's all you want to pick up in this
13 Amendment, isn't that right?

14 REPRESENTATIVE CASTRO: That's right. And
15 the author, by speaking against this Amendment, by
16 taking a position against this Amendment, is saying,
17 well, I don't really care, you know. If you harass or
18 you intimidate people when they're coming to the polls,
19 I don't care.

20 REPRESENTATIVE ANCHIA: Well, in fact, the
21 only way that she said she would consider this concept
22 is if it came through a committee that you're not even
23 on or had --

24 REPRESENTATIVE CASTRO: That's right.
25 That's another part of the ridiculousness of this

1 debate.

2 Can you imagine if -- I mean, we can't
3 present any Amendments here unless they've been vetted
4 by the Committee?

5 On any bill? Well, then why are we even
6 here? I mean, once something comes out of committee,
7 there's no Calendar committee. It just becomes law.

8 REPRESENTATIVE ANCHIA: And isn't it also
9 ironic that that same committee, that select committee,
10 only considered Photo ID bills, and none of the other
11 subject matter bills that were before it?

12 REPRESENTATIVE CASTRO: That's right.

13 REPRESENTATIVE ANCHIA: They just did Photo
14 ID. So if you had a Voter Suppression Bill, it wouldn't
15 have even been referred to or considered.

16 REPRESENTATIVE CASTRO: That's right. You
17 know, you hear one of the robotic responses you hear
18 again and again is, well, hey, it's a great bill. I
19 support your concept. Why don't you file a bill and
20 when it gets to the floor, I'll vote for it.

21 Look, it's not going anywhere. It's not
22 going to go to hearing. It's not going to get a
23 committee vote. It's not going to the Calendar. It's
24 not coming up. Period. And that's what the Amendment
25 process is for.

1 REPRESENTATIVE ANCHIA: I tell you what:
2 Maybe you share my sense of irony in realizing that the
3 Select Committee on Identification and Voter Fraud heard
4 no bills related to mail-in ballot votes.

5 REPRESENTATIVE CASTRO: Absolutely.

6 REPRESENTATIVE CASTRO: And you know,
7 Representative Anchia, I think this is why voters and
8 residents get cynical about the legislative process
9 because you offer reasonable compromises, right? Okay,
10 hey, you want to do a Voter ID bill? Well, receipts do
11 something about mail ballots. Let's do something about
12 harassment.

13 No. Forget it. It makes people think,
14 well, then you really don't care. All you want to do
15 with Voter ID is make sure you have more people voting
16 Republican, right? You want to make sure that you can
17 shape your voting as best as possible to benefit the
18 majority party.

19 So if that's the intent, well, then concede
20 that that's the intent.

21 REPRESENTATIVE ANCHIA: Yeah, but it's not
22 about the integrity of the election.

23 REPRESENTATIVE CASTRO: Not at all.

24 REPRESENTATIVE ANCHIA: Clearly not about
25 voter impersonation. It's about less people voting

1 ultimately.

2 REPRESENTATIVE CASTRO: And, you know,
3 never mind the fact, which we went over earlier, that
4 there is no demonstrable evidence that voter
5 impersonation or even voter fraud has been a huge
6 problem in Texas. So this whole thing is m a rabbit
7 run.

8 REPRESENTATIVE ANCHIA: Do you think folks
9 in your district have --

10 THE CHAIR: Representative, the point of
11 order, the time, has expired. The point of order is
12 well taken.

13 Mr. Castro offers an Amendment. The
14 Amendment is opposed by Ms. Harless. The vote is on the
15 table for motion.

16 Members vote aye. Members vote nay. The
17 clerk will ring the bell.

18 Show Representative Castro voting no.
19 Representative Harless voting aye.

20 A Motion to table. It's been a long day.
21 Have all members voted?

22 99 ayes. 49 nays. Two present motion.

23 The motion to table prevails.

24 The chair lays up the following Amendment.

25 The clerk will read the Amendment.

1 THE CLERK: Amendment by Lucio.

2 THE CHAIR: The chair recognizes
3 Representative Lucio to explain his Amendment.

4 REPRESENTATIVE LUCIO: Thank you,
5 Mr. Speaker. Members.

6 What this Amendment does -- and I've worked
7 with several members to try to make sure that a narrow
8 the language -- what this Amendment does is allow DPS or
9 insures that DPS, when you cast your provisional vote,
10 you're going to go get the ID that you're supposed to
11 get.

12 You can come back within those six days,
13 that the DPS issues a temporary ID that complies with
14 this bill so that that temporary or provisional ballot
15 can become a permanent ballot vote.

16 What we don't want, what I don't want, and
17 what the intention of the author of this bill and this
18 bill is, is that when you go to DPS and you're 18 years
19 old, you don't have a driver's license because you've
20 been focusing on school and not wanting to drive.

21 And you go to DPS and you apply for that
22 temporary license so that you can go correct your vote
23 with the voting registrar or the elections clerk, that
24 they issue something and not say, oh, that's going to
25 take ten days. Well, now you're past that six-day

1 window.

2 So what this does is it directs DPS to make
3 sure that they issue this temporary identification in
4 compliance with this bill and it's acceptable to the
5 author.

6 THE CHAIR: Mr. Lucio sends up an Amendment
7 that is acceptable to the author.

8 Is there any objections? The Amendment is
9 adopted.

10 Mr. Speaker, for what purpose?

11 REPRESENTATIVE RODRIGUEZ: Parliamentary
12 Inquiry.

13 THE CHAIR: State your inquiry.

14 REPRESENTATIVE RODRIGUEZ: My understanding
15 that there was a prior Motion to limit the number of
16 Amendments made by Representative Geren a while back.

17 THE CHAIR: Yes.

18 REPRESENTATIVE RODRIGUEZ: And was that
19 motion made pursuant to Rule 11, Section 10?

20 THE CHAIR: I believe it was.

21 REPRESENTATIVE RODRIGUEZ: Will the chair
22 read the name of the 25 seconds of that motion.

23 THE CHAIR: I believe it was.

24 REPRESENTATIVE RODRIGUEZ: Okay. And could
25 you tell me by voice who those 25 members were?

1 THE CHAIR: I can start counting now.
2 Could you hold your hands up, please, if you were on
3 that 25. I count more than 25.

4 REPRESENTATIVE RODRIGUEZ: I imagine,
5 Mr. Chairman, I imagine if you're operating under the
6 proper rules of Parliamentary procedure, it would be --

7 THE CHAIR: You recognize that? I can't
8 answer any more questions. I'm sorry. Go ahead. I'm
9 sorry.

10 REPRESENTATIVE RODRIGUEZ: So I just want
11 to be clear: Suddenly it is a limit of debate. There
12 is a requirement that there be 25 seconds. And I know
13 that there was not any objection. I wasn't on the
14 floor.

15 THE CHAIR: I wasn't in the Chair at the
16 time so I didn't hear any objection either.

17 It was done by voice that the speaker asked
18 if there was an objection and he heard none and the
19 order was adopted.

20 REPRESENTATIVE RODRIGUEZ: Okay. Well, I
21 just want to make sure, Mr. Chairman that we're
22 operating under the same rules.

23 THE CHAIR: Sure.

24 REPRESENTATIVE RODRIGUEZ: And so it might
25 be just an exercise in doing it, but we should do it

1 right.

2 And so at this time, if Chairman Geren
3 wants to make that motion again, if we had 25 seconds, I
4 would appreciate that again.

5 THE CHAIR: The motion's already been
6 adopted.

7 The chair recognizes Representative
8 Alvarado.

9 The chair lays out the following Amendment.
10 The clerk will read the Amendment.

11 THE CLERK: Amendment by Alvarado.

12 THE CHAIR: The chair recognizes
13 Representative Alvarado to explain her Amendment.

14 REPRESENTATIVE ALVARADO: Thank you,
15 Mr. Speaker and members.

16 This Amendment requires that the Secretary
17 of State to report the demographic and location
18 information about who is casting a provisional ballot or
19 who is being turned away because they do not have the
20 Photo ID required to establish their identity.

21 And this Amendment would help the state to
22 protect the rights of voters by better understanding who
23 the bill is effecting in terms of gender, age, racial or
24 ethnic background, as well as what neighborhoods or
25 precinct might be having their voting rights

1 disenfranchised.

2 If we understand how the bill is effecting
3 certain groups of voters, we can be more responsible in
4 educating voters in effected communities about what ID
5 requirements this bill has put in place.

6 Mr. Speaker, I move adoption.

7 THE CHAIR: The chair recognizes
8 Representative Harless to speak against the Amendment.

9 REPRESENTATIVE HARLESS: Members, I move to
10 table.

11 THE CHAIR: Representative Alvarado, would
12 you like close?

13 All right. Members, Representative
14 Alvarado sends up an Amendment. Representative Harless
15 moves to table. The question is on the motion to table.

16 Those in favor vote aye. Those opposed
17 vote nay.

18 The clerk will ring the bell.

19 Show Representative Harless voting aye.
20 Representative Alvarado voting no. Show Representative
21 Eissler voting no.

22 Have all voted?

23 98 ayes, 48 nays. Two present and not
24 voting.

25 The motion to table prevails.

1 Mr. Veasey?

2 The chair lays up the following Amendment.

3 The clerk will read the Amendment.

4 THE CLERK: Amendment by Veasey.

5 THE CHAIR: The chair recognizes
6 Representative Veasey to explain his Amendment.

7 REPRESENTATIVE VEASEY: Members, this is a
8 very important Amendment, and I actually would like -- I
9 got the Amendment earlier from Van Taylor for
10 identification. I actually got this bill from the
11 Republicans, also.

12 On the Republican talk radio circuit in the
13 area WDAP 820 is probably the Republican talk show
14 station that most Republicans in the Metroplex listen
15 to, and I'll listen to the show from time to time.

16 I'll listen to Mark Davis. I'll listen to
17 Rush Limbaugh. And one of the things that I hear over
18 and over again is, you know, what if somebody could
19 really prove that there was real discrimination, I would
20 stand with them.

21 If someone today was putting a dog on
22 someone when they were trying to vote or if the fire
23 station was spraying a hose on someone, I would stand
24 out there. And you show me real discrimination and I
25 will stand out there with you.

1 But there is no real discrimination, all
2 these civil rights leaders, all they do is complain,
3 yada yada. And something they say often on these talk
4 radio shows.

5 And so what this particular Amendment says
6 is that if the Secretary of State makes a determination
7 that the majority of voters who lack a Photo ID were
8 members of a racial or ethnic minority under the Voting
9 Right Act, then the law would cease to exist until we
10 could come back and fix it. That's all it says.

11 So here's your chance to come stand with
12 me. Here's your chance, if real discrimination takes
13 place because this law passes, here's your chance to
14 come and stand with me.

15 So I'm going to give everybody an
16 opportunity to do what the talk radio hosts say what
17 they would do and stand with me just in case --

18 THE CHAIR: Mr. Lozano, for what purpose?

19 REPRESENTATIVE LOZANO: Yes. Will the
20 member yield for questions?

21 THE CHAIR: Will you yield?

22 REPRESENTATIVE VEASEY: Yes.

23 THE CHAIR: He yields.

24 REPRESENTATIVE LOZANO: Representative
25 Veasey, are you familiar with the Supreme Court decision

1 that upheld the Indiana Voter ID Law?

2 REPRESENTATIVE VEASEY: I am familiar with
3 it, yes.

4 REPRESENTATIVE LOZANO: And do you recall
5 that the Justices', the 6, 3, decision, the six in favor
6 upholding -- didn't they make statements to that effect
7 that if it was proven to disproportionately impact one
8 racial or ethnic group, that then this issue should be
9 revisited.

10 REPRESENTATIVE VEASEY: Absolutely. And
11 that is exactly what this Amendment says.

12 It says that if there's discrimination that
13 takes place and we know that it would be discrimination
14 if most of the people that were denied the vote were
15 black and Hispanic because Ms. Harless has said that
16 that is not going to happen, that in fact, people would
17 have confidence in what is taking place during the
18 election process and that confidence would actually
19 bolster voter turn-out.

20 So there is nothing to fear by this
21 Amendment.

22 REPRESENTATIVE LOZANO: Yeah. Thank you.

23 REPRESENTATIVE VEASEY: Thank you very
24 much.

25 So, Members, I give you a chance to come

1 and stand with me just in case real discrimination takes
2 place, which I think probably will. But here's your
3 chance to prove once and for all that you will come and
4 stand with me.

5 I move passage.

6 THE CHAIR: The chair recognizes
7 Representative Harless to speak against the Amendment.

8 REPRESENTATIVE HARLESS: Members, I'm not a
9 big fan of talk radio. I don't listen to it and I don't
10 believe everything they say but I move to table.

11 THE CHAIR: Mr. Lozano, for what purpose?

12 REPRESENTATIVE LOZANO: Will Representative
13 Harless yield for questions?

14 THE CHAIR: She yields.

15 REPRESENTATIVE LOZANO: Representative
16 Harless, are you familiar with the Supreme Court
17 decision in which the United States Supreme Court upheld
18 the Indiana Voter ID Law?

19 REPRESENTATIVE HARLESS: Yes.

20 REPRESENTATIVE LOZANO: And are you
21 familiar that that was a 6, 3 decision, 6 in favor of
22 upholding the law?

23 REPRESENTATIVE HARLESS: Yes.

24 REPRESENTATIVE LOZANO: Are you familiar
25 with the opinions issued? The majority opinion?

1 REPRESENTATIVE HARLESS: The what?

2 REPRESENTATIVE LOZANO: Are you familiar
3 with the majority opinion that the justices issued and
4 in the U.S. Supreme Court decision?

5 REPRESENTATIVE HARLESS: Yes.

6 REPRESENTATIVE LOZANO: Do you recall
7 anywhere in there where the majority opinion said that
8 even though upholding the integrity of the ballot was
9 paramount, that if the law showed to be
10 disproportionately impacting a minority group, that then
11 the issue should be revisited?

12 REPRESENTATIVE HARLESS: Yes.

13 REPRESENTATIVE LOZANO: So what if this
14 Amendment actually would be an extension of what the
15 majority of that Supreme Court held in that ruling?

16 REPRESENTATIVE HARLESS: In the Marion --
17 the Crawford versus Marion County Election Board, the
18 court ruled the requirement to produce Photo ID.

19 Photo ID imposes only a limited burden on
20 the owe (inaudible). And justified that the states
21 interest restores confidence in elections, justified by
22 the states interest in restoring confidence in elections
23 and deterring fraud.

24 Mr. Speaker, I yield the podium and move to
25 table.

1 THE CHAIR: Mr. Veasey, you would like to
2 close?

3 The chair recognizes Mr. Veasey to close.

4 REPRESENTATIVE VEASEY: Members, especially
5 my friends on the other side of the aisle that are
6 Republican, I ask you to please join me in defeating
7 Mrs. Harless' Motion to table and support this
8 Amendment.

9 This is a very easy Amendment. All it says
10 is that if people have really been discriminated
11 against, that you will come and stand with me and that
12 you will come and join me. That is the argument that is
13 made over and over and over on the Republican talk radio
14 shows, on WDAP.

15 That's what Republican friends say, is that
16 if you can prove real discrimination, I will come and
17 stand with you.

18 Now, this Amendment says that if the
19 Secretary of State determines that most of the people
20 with who are denied the right to vote are black and
21 Hispanic, that the law will no longer exist.

22 Ms. Harless has said over and over that
23 that will not happen. That, in fact, more people will
24 go out to vote because they will have confidence in the
25 voting process.

1 So why not accept this Amendment so we can
2 move along and we can all feel good that we stood up
3 against discrimination?

4 THE CHAIR: Mr. Lozano.

5 REPRESENTATIVE LOZANO: Mr. Speaker, I
6 cannot hear anything from that --

7 THE CHAIR: Gentlemen, can we have order
8 between the microphones.

9 Mr. Lozano. For what purpose?

10 REPRESENTATIVE LOZANO: Will the gentleman
11 yield for questions?

12 THE CHAIR: Mr. Veasey?

13 REPRESENTATIVE VEASEY: I yield.

14 REPRESENTATIVE LOZANO: Great. Okay.
15 Mr. Veasey, I understand the significance of this
16 Amendment, and I really hope everyone's listening
17 because this Amendment could potentially save this bill
18 from adverse actions by the United States Supreme Court.

19 We should, and I think you would agree, be
20 sending out bills that are probably going to get over
21 turned by the United States Supreme Court.

22 Based only their ruling, this below hoofs
23 us. It would behoove us to support this Amendment.
24 Based on the six justices in favor of the Voter ID Law
25 in Indiana, same, exactly what your Amendment says. I

1 think it would be in our best interest in the House of
2 Representatives to support this Amendment.

3 I strongly urge everyone to vote against
4 tabling this Amendment.

5 REPRESENTATIVE VEASEY: I think that this
6 is an Amendment that definitely follows the Supreme
7 Court decision, and I also believe that this is the
8 Amendment that makes you feel good about be not
9 committing discrimination against your neighbor.

10 Take an overseas mission or fellowshipping
11 with the church across town once a year is not the way
12 how to feel good.

13 The way how to feel good is to stand up for
14 civil rights when you have the opportunity to.

15 I move to defeat Mrs. Harless' Amendment.
16 Please vote no on the motion to table.

17 THE CHAIR: Representative Veasey sends up
18 a motion. Representative Harless moves to table. The
19 question is on the motion to table.

20 Members vote aye. Members vote nay.

21 The clerk will ring the bell.

22 Have all voted?

23 By a vote with 99 ayes, 48 nays, two
24 present not voting.

25 The motion to table prevails.

1 The clerk will read the following
2 Amendment.

3 Mr. Lozano, for what purpose?

4 REPRESENTATIVE LOZANO: Yes, Mr. Speaker, I
5 just ask that all the last comments on the last
6 Amendment be reduced to writing and placed in the
7 record.

8 THE CHAIR: Mr. Lozano moves that the
9 conversations between he and whoever was up here,
10 Veasey, be reduced to writing and be placed in the
11 journal.

12 Is there an objection?

13 The Chair hears none.

14 So ordered.

15 REPRESENTATIVE LOZANO: And Representative
16 Harless, as well.

17 THE CHAIR: I'm sorry. And Representative
18 Harless, as well.

19 REPRESENTATIVE LOZANO: Thank you. Thank
20 you, sir.

21 THE CHAIR: Is there an objection?

22 The the Chair hears none.

23 So ordered.

24 The following Amendment.

25 The clerk will read the Amendment.

1 THE CLERK: Amendment by Anchia.

2 THE CHAIR: The chair recognizes
3 Representative Anchia.

4 REPRESENTATIVE ANCHIA: Thank you,
5 Mr. Speaker. Members.

6 This Amendment is going to require that the
7 Comptroller certify that the changes made by this bill
8 do not reduce revenue in the Texas Mobility Fund
9 Representative Martinez-Fischer.

10 SB 14 provides free IDs to people who
11 register to vote or are registered to vote when they
12 apply for an ID, but it does not provide a mechanism to
13 pay for it.

14 The Mobility Fund, ladies and gentlemen of
15 the jury, is protected by the constitution of the great
16 State of Texas because it is used to pay for the debt
17 service for certain transportation bonds.

18 So Representative Mendendez, Anchia, if we
19 float bonds to pay for transportation projects, and we
20 are short in the Mobility Fund, we have violated the
21 Texas Constitution. We have imperilled the states
22 credit rating for the Mobility Fund and we have
23 potentially engaged in a technical default of bond
24 covenant.

25 According to the statistics by the

1 Department of Public Safety, the Mobility Fund receives
2 about \$9 million per year from state IDs alone. Not
3 driver's licenses. State IDs.

4 So if we're giving out free IDs to people
5 who say they're using it to register to vote, we will be
6 reducing the Mobility Fund.

7 And the language of Article III, Section 49
8 K, Subsection F of the constitution is clear: While
9 money in the fund is pledged to the payment of any
10 outstanding obligations or related credit agreements,
11 the dedication of a specific source or portion of the
12 revenue, taxes or other money provided in this section
13 may not be and here are the magic words, judge Lewis,
14 may not be reduced, rescinded or repealed. May not be
15 reduced.

16 So what is a reduction? Is a reduction
17 \$100,000? Is it \$100? Is it \$16?

18 So if one person goes and gets a free ID
19 under this bill, it will constitute a reduction of the
20 Texas Mobility Fund. And I think imperils the
21 Constitutionality of this bill.

22 So I ask you for those of you who are
23 fiscally prudent, for those of you who are thoughtful
24 about what we're doing today: I don't want the state of
25 text to imperil the Mobility Fund by what we're going to

1 be doing there: So what we're going to be doing in this
2 Amendment is asking the Comptroller to certify that that
3 does not happen. So ladies and gentlemen, I move --

4 THE CHAIR: Mr. Menendez, for what purpose?

5 REPRESENTATIVE MENENDEZ: Would the
6 gentleman yield for a question?

7 THE CHAIR: Do you yield?

8 REPRESENTATIVE ANCHIA: Yes.

9 THE CHAIR: The gentleman yields.

10 REPRESENTATIVE MENENDEZ: Representative
11 Anchia, would this be considered if this goes through
12 and the Comptroller, actually, there is the actual money
13 that comes out of the fund, would it be considered a
14 diversion.

15 REPRESENTATIVE ANCHIA: The exact language
16 of the constitution, really quickly, speaks to a
17 reduction. A reduction.

18 So if there's a reduction these moneys that
19 are mentioned to amortize the bonded indebtedness for
20 transportation projects, and there are pending
21 transportation bonds out there, then it is a voter
22 impersonation of the Texas Constitution.

23 And before we go down that road, what I'd
24 like to see this legislation do is have the Comptroller
25 certify that the changes made in law by this bill will

1 not reduce revenue to the Texas Mobility Fund.

2 REPRESENTATIVE MENENDEZ: So if
3 constituents in my district are concerned about the
4 reductions in our not applying these funds to road
5 constructions and road enhancements, constituents in
6 your district more concerned about improving the road
7 ways in Texas or about voter IDs?

8 REPRESENTATIVE ANCHIA: We're virtually
9 broke in terms of building new capacity in our
10 transportation system.

11 If we engage in a technical default of our
12 bond covenant by rating the Texas Mobility Fund, it
13 will further imperil our ability to build roads in the
14 future because that technical default will reduce our
15 credit rating in the state, and that's something we
16 could not afford.

17 REPRESENTATIVE MENENDEZ: So your Amendment
18 would help keep this bill within the constitution of the
19 state and, in essence, it would help maybe guarantee the
20 fact that there might not be any further reductions?

21 REPRESENTATIVE ANCHIA: I just want the
22 Comptroller to certify that there won't be any
23 reductions in the Mobility Fund.

24 That's all I want to do through this
25 Amendment.

1 REPRESENTATIVE MENENDEZ: It sounds like a
2 good Amendment.

3 REPRESENTATIVE ANCHIA: Thank you.
4 I move adoption.

5 THE CHAIR: The chair recognizes
6 Representative Harless against the Amendment.

7 REPRESENTATIVE HARLESS: Mr. Speaker,
8 Members, we have already discussed this today and had a
9 point of order, actually ruled in our favor.
10 I would ask that you table this Amendment.

11 REPRESENTATIVE ANCHIA: I'm curious
12 Members, that --

13 THE CHAIR: The chair recognizes
14 Representative Anchia to close.

15 REPRESENTATIVE ANCHIA: Thank you,
16 Mr. Speaker.

17 The author would elude to the point of
18 order that was raised on this issue.
19 Mr. Martinez-Fischer would be happy to hear that because
20 specifically the chair's ruling was, we are not going to
21 pass on the Constitutionality in this House. We're
22 going to vote on the bill and then we'll go from there.

23 But this does not ask us to pass on the
24 Constitutionality of Article III, Section 49 K,
25 Subsection F of the Texas Constitution. What it asks us

1 to do is to go to the Comptroller so that the
2 Comptroller may certify that this does not reduce in the
3 Mobility Fund. It's very different than the point of
4 order are that was called earlier.

5 So that's why, Members, I know you don't
6 want to raid the Mobility Fund. I know you don't want
7 to bust the covenants of our credit agreements or other
8 bond documents. I know you don't want to do that. I
9 know you don't want to imperil the credit rating of the
10 Mobility Fund be and the state of Texas.

11 So please reject the motion to table and
12 adopt this Amendment. Thank you.

13 THE CHAIR: Representative Anchia sends is
14 up an Amendment. Representative Harless moves to table.
15 The motion to table.

16 Vote aye. Vote nay.

17 Show Representative Harless voting aye.
18 Show Representative Anchia voting no.

19 Show Representative Eissler voting aye.
20 Have all voted? Have all voted?

21 Being 99 ayes and 48 nays, the motion to
22 table prevails.

23 The following Amendment.

24 The clerk will read the Amendment.

25 THE CLERK: Amendment by Anchia.

1 THE CHAIR: The chair recognizes
2 Representative Anchia.

3 REPRESENTATIVE ANCHIA: Thank you,
4 Mr. Speaker and members.

5 This Amendment puts language back in the
6 bill which was added in the Senate. It is known in the
7 Senate, typically, as the Ogden Amendment, which says
8 that the bill is only effective if the state pays for
9 it.

10 And it reads as follows: "This act does
11 not make an appropriation. This act takes effect only
12 if a specific appropriation for the implementation of
13 this acts is provided in a general appropriations act of
14 the 82nd Legislature."

15 Now, ladies and gentlemen of the jury,
16 you've looked at the fiscal note and it's been discussed
17 today. Ask and the bill has two plus million dollars in
18 the fiscal note, largely to pay for the voter education
19 outreach requirements.

20 The fiscal note makes no mention,
21 ironically of the possible costs related to the Texas
22 Mobility Fund.

23 The author says that the state can use HAVA
24 funds already granted to pay for the costs of this bill.
25 So this Amendment simply holds the author to her word.

1 We don't want to enact a measure that isn't paid for and
2 that's why we should adopt this language.

3 Keep in mind, Members, that the Senate
4 Bill, as it came over, had the Ogden language in it
5 saying that we're not going to write hot checks and
6 we're not going to implement the bill that we can't pay
7 for it.

8 It just simply says if we can't pay for it,
9 we aren't doing it.

10 And, Members, if the author is so confident
11 that the fiscal note is accurate and there's plenty of
12 money in the bill to pay for it, then this should be
13 acceptable to the author and I will take her at her
14 word. If not, then something else is going on.

15 Thank you, Members. I move adoption.

16 THE CHAIR: The chair recognizes
17 Representative Harless in opposition.

18 REPRESENTATIVE HARLESS: Members, Mr.
19 Speaker, we have \$43 million in our general budget that
20 Chairman Pitts laid out at the beginning of session.
21 That's HAVA money.

22 In order to apply for that HAVA money we
23 have to pass this legislation. We've gotten a letter
24 from them saying that if we meet the criteria, we can
25 use that.

1 The \$2 million in the fiscal note will be
2 offset by HAVA money after we apply for it. There is no
3 reason to take a chance on damaging the bill when we
4 know that we have funds set aside in our Appropriations.

5 I also filed a contingency rider which the
6 Appropriations here isn't listening, but he said it
7 would go in the Appropriations Bill.

8 So I move to table.

9 THE CHAIR: The chair recognizes
10 Representative Anchia to close.

11 REPRESENTATIVE ANCHIA: Wow. \$43 million
12 available in Appropriations rider? It seems like we
13 have all the money that we need to pay for this.

14 So why would we be scared? Why would we be
15 scared of including language in here that says we gotta
16 pay for it? It sounds like the author has taken care of
17 it.

18 It sounds like she's put money in the
19 Appropriations Bill. That there's a supplemental
20 Appropriations Rider. It sounds like we have all the
21 HAVA money available to do this deal.

22 So why would she be scared? Why would she
23 be concerned? Is she worried about the numbers? Does
24 she think they're faulty? I'm kind of surprised that
25 she won't take this Amendment if she feels so confident

1 that the money's in the bill.

2 So, Members, please let's not write hot
3 checks that we can't pass in this body. Let's make sure
4 that we pay for what we're doing out of the House and
5 paying for this bill. And if not, we shouldn't be doing
6 it. And that's something you can go back home and be
7 proud of.

8 So, please, defeat the motion to table.

9 THE CHAIR: Representative Anchia sends up
10 an Amendment. Representative Harless moves to table.
11 This is on the Motion to table.

12 Vote aye. Vote no.

13 Show Representative Harless voting aye.
14 Show Representative Anchia voting no. Show
15 Representative Truitt voting aye. Show Representative
16 Creighton voting aye.

17 Have all voted? Have all voted?

18 Being 99 ayes and 48 nays, the motion to
19 table prevails.

20 The following Amendment.

21 The clerk will read the Amendment.

22 THE CLERK: Amendment by Anchia.

23 THE CHAIR: The chair recognizes
24 Representative Anchia.

25 REPRESENTATIVE ANCHIA: Thank you. On ESPN

1 they call this back to back to back.

2 This Amendment prohibits the enactment of
3 Senate Bill 14 until the Secretary of State has
4 conducted a study that does the following: Provides an
5 analysis of further identification access in Texas and
6 analyzes the potential variation in turn-out rates in
7 voter identification requirements in Senate Bill 14 are
8 implemented.

9 Ladies and gentlemen of the jury, frankly,
10 I think this kind of study should have been done before
11 a bill like this hit the are floor. No analysis of the
12 impact of this bill has been presented.

13 In my dialogue with the author of this bill
14 she said that she knows of some studies but they sort of
15 all look the same to her.

16 So the national studies have not considered
17 the impact on Texas. Studies like an academic paper
18 presented in 2007 by the American Political Science
19 Association Annual Conference called "Voter ID
20 Requirements in the Disenfranchisement of Latino, Black
21 and Asian Voters" by Baretto, Nunez and Sanchez.

22 And they found that naturalized citizens
23 and minority voters are less able to provide natural
24 forms of identification, such as a copy of their
25 original birth certificate or a recent bank statement.

1 Voter Identification Laws could immediately
2 disenfranchise Latino and African American citizens.

3 On paper, by records, university Professor
4 Virtualotti and Anderson called protecting the franchise
5 or restricting it, end quote, looked at effects of Voter
6 Identification requirements on turn-out, and they found
7 that Voter Identification requirements vary and have a
8 direct impact on voter turn-out and voters in Photo ID
9 states are less likely to vote than states that don't
10 have Photo ID requirements.

11 A study of voters in Wisconsin entitled,
12 "The Driver's License Status of the Voting Age
13 Population in Wisconsin," by John Palasart, I believe,
14 is how you pronounce it, in June 2005, found that
15 minorities in poor populations are most likely to have
16 driver's license problems, less than half of 47 percent
17 of African American adults and 43 percent of Hispanic
18 adults have a valid driver's license compared to
19 85 percent of white adults.

20 And as I alluded to on Monday, the Brennan
21 Center study, citizens without proof, a survey of
22 Americans possession of documentary proof and
23 citizenship identification by the Brennan Center of
24 Justice at NYU, found that as more as 11 percent of
25 United States citizens, 21 million individuals do not

1 have government issued photo identification.

2 Ten percent of citizens who do not have
3 Photo ID, do not have Photo ID with both their current
4 address and their current legal name and the rate is
5 higher among younger citizens. As many as 18 percent of
6 citizens aged 18 to 4 do not have a Photo ID with
7 current address and name.

8 25 percent of African American voting age
9 citizens have no government issued Photo ID compared to
10 80 percent of white voting age citizens.

11 Ladies and gentlemen of the jury, I could
12 go on and on with the numbers. Those kind of studies
13 have not been done in the State of Texas by any agency,
14 including the Chief Elections Officer of the Secretary
15 of State's office and certainly by no committee, on
16 either the House or the Senate side of the state.

17 And my Amendment simply says that until we
18 conduct such a study and it shows that there will not be
19 an adverse impact on minority voting, then we should not
20 implement this bill.

21 And with that, I move adoption.

22 THE CHAIR: Ms. Davis, for what purpose?

23 REPRESENTATIVE YVONNE DAVIS: Will the
24 gentleman yield?

25 THE CHAIR: Mr. Anchia, do you yield?

1 REPRESENTATIVE ANCHIA: Yes, ma'am.

2 THE CHAIR: The gentleman yields.

3 REPRESENTATIVE YVONNE DAVIS: Thank you.

4 Representative Anchia.

5 I'm listening to you talking about a study
6 or a need to do a study. Do you know if there's any
7 money for this study?

8 REPRESENTATIVE ANCHIA: Well, HAVA money
9 could be used for this study by way of example. So, I
10 mean, the chairwoman, or excuse me, the author of the
11 bill said that there's plenty of HAVA money still
12 available. And we probably should use that money in
13 order to study the adverse impact on Hispanics and
14 African Americans.

15 REPRESENTATIVE YVONNE DAVIS: Are you
16 worried that the we do not have HAVA money at this time?

17 REPRESENTATIVE ANCHIA: Pardon me?

18 REPRESENTATIVE YVONNE DAVIS: Are you
19 worried that the state of Texas has not been approved
20 for HAVA money at this time?

21 REPRESENTATIVE ANCHIA: Yeah, and I'm
22 worried that we won't be using it properly for a bill
23 like this.

24 REPRESENTATIVE YVONNE DAVIS: So if, in
25 fact, the application is not approved, there is no

1 funding for this bill -- are you aware of that?

2 REPRESENTATIVE ANCHIA: Yes. And my
3 Amendment just before that, this says that if there's no
4 money for it, it's not enacted but that was defeated by
5 the majority here.

6 REPRESENTATIVE YVONNE DAVIS: So if we
7 don't get HAVA funds, is it your understanding, would
8 you think now we're really passing down an unfunded
9 mandate to our counties to implement this program?

10 REPRESENTATIVE ANCHIA: Precisely.

11 REPRESENTATIVE YVONNE DAVIS: And we've
12 allocated about \$2 million to do that. So we know that
13 it's going to be, at least, \$2 million that it's going
14 to cost the county?

15 REPRESENTATIVE ANCHIA: It will be a number
16 far in excess of \$2 million but I think that's all they
17 put in the bill.

18 REPRESENTATIVE YVONNE DAVIS: And is this
19 the same chamber where many members said that they had
20 signed onto the bill for unfunded mandates?

21 REPRESENTATIVE ANCHIA: Yes. And it's
22 ironic.

23 REPRESENTATIVE YVONNE DAVIS: And so your
24 Amendment now, we're talking about the need to educate
25 our voters. We're talking about a \$2 million costs with

1 no funds available or allocated at this time?

2 REPRESENTATIVE ANCHIA: You know, this
3 Amendment says, simply, that there's been no study in
4 the State of Texas that representatives like yourself
5 and myself are very concerned about the impacts on your
6 communities.

7 And before we do something that has not
8 been studied in the state, we need to do it. And if
9 we're going to do it, we need to do it right.

10 REPRESENTATIVE YVONNE DAVIS: Thank you.

11 REPRESENTATIVE ANCHIA: Thank you.

12 REPRESENTATIVE GUTIERREZ: Mr. Speaker?

13 THE CHAIR: Representative Gutierrez, for
14 what purpose?

15 REPRESENTATIVE GUTIERREZ: Will the
16 gentleman yield for a few questions?

17 THE CHAIR: Will the gentleman yield?

18 REPRESENTATIVE ANCHIA: I yield.

19 THE CHAIR: The gentleman yields.

20 REPRESENTATIVE GUTIERREZ: Representative
21 Anchia, my concern is we talked about money and the
22 expense of this bill, but I don't think that we've had
23 an adequate and thoughtful discussion on the true amount
24 of money that's going to be spent with this legislation.

25 You are very familiar with the bills of the

1 state of Georgia and the state of Indiana; is that
2 correct?

3 REPRESENTATIVE ANCHIA: The amounts that
4 were budgeted in Indiana and in Georgia and then in
5 Missouri where it was ultimately found unconstitutional
6 where multiples of the \$2 million that we have in this
7 bill, even though ironically, those states are a
8 fraction of the state population of the State of Texas,
9 and don't have the same kind of Hispanic population and
10 limited Asian population that we have in had this state.

11 REPRESENTATIVE GUTIERREZ: To be clear:
12 The budget expense is about 8 to \$10 million
13 respectfully; is that correct?

14 REPRESENTATIVE ANCHIA: That's correct.
15 Even though those states have significantly smaller
16 populations than we do.

17 REPRESENTATIVE GUTIERREZ: That's correct.
18 I think you have a good Amendment. It's certainly
19 important at this time when we're in this deep budget
20 crisis that we understand the true nature of what we're
21 doing here today. So thank you very much for your
22 Amendment.

23 REPRESENTATIVE ANCHIA: Thank you,
24 Representative Gutierrez.

25 THE CHAIR: The chair recognizes

1 Representative Harless.

2 REPRESENTATIVE HARLESS: I move to table.

3 THE CHAIR: The chair recognizes
4 Representative Anchia to close.

5 REPRESENTATIVE ANCHIA: On the motion to
6 table, an acknowledgement, I guess, that we haven't
7 studied the issue.

8 I think before we jump into something like
9 this, the Secretary of State should conduct a study. No
10 study has been done.

11 Every other study that's been done on this
12 issue has shown a very dramatic impact on African
13 Americans and Hispanics. I'm worried about that.

14 I know my fellow colleagues who have spoken
15 against this bill and tried to amend this bill are
16 worried about that. These are not trivial concerns,
17 ladies and gentlemen. They're documented by scholarly
18 studies. This is not trivial. We take it very
19 seriously, and I hope that this body takes it seriously
20 by studying the issue first.

21 Thank you.

22 THE CHAIR: Ms. Davis for what purpose?

23 REPRESENTATIVE YVONNE DAVIS: Parliamentary
24 inquiry.

25 THE CHAIR: State your inquiry.

1 REPRESENTATIVE YVONNE DAVIS: We were
2 discussing the costs being \$2 million. We're discussing
3 that the application that had been made to apply for
4 HAVA funds for the State of Texas.

5 Should that application not be approved, is
6 there another funding source that's been identified for
7 this program?

8 THE CHAIR: Ms. Davis, the chair is not
9 advised.

10 REPRESENTATIVE YVONNE DAVIS: Given that
11 we're about to -- Parliamentary inquiry.

12 With the budget deficit being what it is
13 and the challenges to completing or budget, are we aware
14 of any contingencies or any other funding source that
15 has been identified for this effort?

16 THE CHAIR: Ms. Davis, you happen to have
17 the bill author here and Chairman of Appropriations. I
18 would invite you to direct that question to them.

19 REPRESENTATIVE YVONNE DAVIS: Mr. Speaker,
20 would the Chairman of Appropriations be able to answer
21 that question?

22 THE CHAIR: Ms. Davis, if you'll wait until
23 we dispense with the motion to table, we'll get an
24 answer for you.

25 REPRESENTATIVE YVONNE DAVIS: Thank you.

1 THE CHAIR: Representative Anchia sends up
2 an Amendment. Representative Harless moves to table.
3 This is on the motion to table.

4 Vote aye. Vote nay.

5 The clerk will ring the bell.

6 Show Ms. Harless voting aye. Show
7 Representative Pitts voting aye. Show Representative
8 Truitt voting aye. Have all voted?

9 Being 101 ayes, 48 nays, the motion to
10 table prevails.

11 The following Amendment.

12 The clerk will read the Amendment.

13 THE CLERK: Amendment by Dutton.

14 THE CHAIR: The chair recognizes
15 Representative Dutton.

16 REPRESENTATIVE DUTTON: Mr. Speaker and
17 Members, I think I found an Amendment that I can agree
18 on with the author. The others, obviously I didn't
19 agree with on because that's why they voted against it.

20 But this one simply just says that the
21 early voting Ballot Board as preferenced referenced in
22 the bill as meaning the early voting and provision
23 Ballot Board.

24 And I believe it's acceptable to the
25 author.

1 THE CHAIR: Ms. Harless for what purpose?

2 REPRESENTATIVE HARLESS: May I ask a
3 question of the member, please?

4 THE CHAIR: Mr. Dutton do you yield?

5 REPRESENTATIVE DUTTON: Yes. I would love
6 to yield.

7 REPRESENTATIVE HARLESS: I've been looking
8 for an Amendment I could take on all night long and we
9 discussed about this that, in your mind, it's not a
10 substance change.

11 REPRESENTATIVE DUTTON: Yes.

12 REPRESENTATIVE HARLESS: And we are going
13 to have a conversation with the Secretary of State and
14 verify that.

15 REPRESENTATIVE DUTTON: And I would agree
16 to take that off if that is the case.

17 REPRESENTATIVE HARLESS: And I will accept
18 your Amendment.

19 REPRESENTATIVE DUTTON: In fact, for you,
20 would take it off gladly.

21 THE CHAIR: Representative Dutton sends up
22 an Amendment. The Amendment is acceptable to the
23 author.

24 Is there an objection?

25 The Chair hears none.

1 The Amendment is adopted.

2 The following Amendment.

3 The clerk will read the Amendment.

4 THE CLERK: Amendment by Reynolds.

5 THE CHAIR: The chair recognizes
6 Representative Reynolds.

7 REPRESENTATIVE REYNOLDS: Thank you,
8 Mr. Speaker.

9 I'm offering this Amendment to insure that
10 we have strict penalties in place for anyone who seeks
11 to tamper with our elections by removing eligible voters
12 from the rolls.

13 This Amendment will create a state jail
14 felony offense for anyone who knowingly removes a valid
15 eligible voter from the rolls.

16 We all agree that safeguarding our
17 elections is at the cornerstone of our democracy.
18 Voting is a fundamental right.

19 A couple of years back in Harris County we
20 had a major problem with the Tax Assessor's Office
21 rejecting over 60,000 eligible voter applications
22 without giving these potential voters any sort of reason
23 as to why.

24 We need to assure that problems like these
25 do not consider anymore and that our elections are

1 safeguarded from political discrimination. This
2 Amendment will create a strict penalty and insure that
3 it is clear that you cannot tamper with an election and
4 get away without jail time.

5 REPRESENTATIVE MILES: Mr. Speaker.

6 THE CHAIR: For what purpose?

7 REPRESENTATIVE MILES: For a question.

8 THE CHAIR: Do you yield?

9 REPRESENTATIVE REYNOLDS: I yield.

10 REPRESENTATIVE MILES: (Inaudible)you
11 mentioned in Fort Bend. Can you expand on that for me.

12 REPRESENTATIVE REYNOLDS: Yes, sir. In
13 2008 there were over 60,000 voter registration
14 applications that were rejected and were not given
15 timely notification of this rejection.

16 The Texas Democratic party ended up filing
17 suit and it resulted in a settlement that, essentially,
18 assured it would take commonsense approaches to secure
19 our voter registration process from political
20 motivation.

21 REPRESENTATIVE MILES: Can you remove the
22 gentlemen from Fort Bend, please? Mr. Speaker?
23 Mr. Speaker in can you remove the riff-raff from around
24 the podium, please?

25 THE CHAIR: Order, members.

1 REPRESENTATIVE MILES: Those applications
2 that you referred to -- were those normal applications?

3 REPRESENTATIVE DUTTON: Yes, Reynolds.
4 Yes.

5 REPRESENTATIVE REYNOLDS: Yes, they were.

6 REPRESENTATIVE MILES: And they were all
7 rejected.

8 REPRESENTATIVE MILES: Were there any
9 findings in regard to the racial make-up of those that
10 were from the polls that you spoke of in Florida that
11 you spoke of?

12 REPRESENTATIVE REYNOLDS: Could you repeat
13 that.

14 REPRESENTATIVE MILES: About how much --
15 we'd like to know -- the gentlemen behind me would like
16 to know how much is the fine that you are proposing,
17 Mr. Reynolds?

18 REPRESENTATIVE DUTTON: You said what is
19 the fine?

20 REPRESENTATIVE MILES: How much is the fine
21 that you are proposing? The riff-raff behind me would
22 like to know that.

23 REPRESENTATIVE REYNOLDS: It would create a
24 state jail felony.

25 REPRESENTATIVE MILES: Have you seen in

1 Florida, where African American voters and in they were
2 discouraged in the Florida election? Were you aware of
3 that?

4 REPRESENTATIVE REYNOLDS: I believe I heard
5 something about that, yes.

6 REPRESENTATIVE MILES: I think this is a
7 good Amendment and it should be accepted by the author.
8 Good luck.

9 REPRESENTATIVE REYNOLDS: Thank you.

10 THE CHAIR: Representative Madden, for what
11 purpose?

12 REPRESENTATIVE MADDEN: Would the gentleman
13 yield for a couple of questions?

14 THE CHAIR: Will you yield?

15 REPRESENTATIVE REYNOLDS: I will yield,
16 yes.

17 REPRESENTATIVE MADDEN: I think a couple of
18 my Corrections Committee Members standing beside you.

19 I wanted to get an idea with your State
20 Jail felony that you're creating -- have you put any
21 Appropriations Acts enough money for us to build a
22 prisons to hold these people?

23 REPRESENTATIVE REYNOLDS: Let me confer
24 with my Appropriations. I know you all -- what's that?
25 We're going to use ten. How about that? We're fiscally

1 conservative.

2 REPRESENTATIVE MADDEN: You realize that
3 each of these people will cost us at least \$50 a day to
4 maintain them in the prison.

5 REPRESENTATIVE REYNOLDS: Well, if you can
6 see from the great gentlemen and gentlemen lady behind
7 me, I think, that we have a bipartisan support for this
8 Amendment.

9 REPRESENTATIVE MADDEN: You're going to
10 need all the help you can get on that. You realize
11 that?

12 REPRESENTATIVE REYNOLDS: Thank you.

13 THE CHAIR: For what purpose?

14 REPRESENTATIVE HILDERBRAN: Will the
15 gentleman yield?

16 REPRESENTATIVE REYNOLDS: Yes.

17 Any time for a Texas Tech man.

18 REPRESENTATIVE HILDERBRAN: Thank you very
19 much, Representative Reynolds.

20 I got two questions. One is you mentioned,
21 was it -- how many -- is it per voter that is prevented
22 from voting that applies here? In other words, you said
23 like 188 .

24 REPRESENTATIVE REYNOLDS: In Harris County,
25 these were eligible voters that were purged from the

1 voter rolls.

2 REPRESENTATIVE HILDERBRAN: And who would
3 be person that didn't let, violator? The person that
4 wouldn't let them vote? Tell me who the person is.

5 REPRESENTATIVE REYNOLDS: This would be an
6 elected officer or it could be someone from the Tax
7 Assessor's Office, as well.

8 REPRESENTATIVE HILDERBRAN: Would you
9 consider changing any from a State Jail felony to a fine
10 and it would come from the State general revenue and we
11 might get some legs on this thing?

12 REPRESENTATIVE REYNOLDS: Well, if
13 disenfranchisement was not such a serious offense, I
14 might consider that in light of the fiscal need of the
15 state.

16 However, I believe that we all agree that
17 if we disenfranchise one voter -- better yet, I think
18 Martin Lutheran King said it best, injustice any with
19 where is a threat to justice everywhere.

20 We cannot disenfranchise one single voter.

21 REPRESENTATIVE MILES: Mr. Speaker, will
22 the gentleman yield?

23 THE CHAIR: Do you yield?

24 REPRESENTATIVE REYNOLDS: Yes.

25 REPRESENTATIVE MILES: Do you realize all

1 those cats that just clapped for you -- do you realize
2 they're going to vote against you your Amendment, right?
3 I just want you to know that. Make sure you get a "yes"
4 vote from each one of those who just clapped and stand
5 by you in support.

6 REPRESENTATIVE REYNOLDS: Thank you.

7 REPRESENTATIVE MR. GEREN: Mr. Speaker.

8 THE CHAIR: Do you yield?

9 REPRESENTATIVE REYNOLDS: I will yield,
10 yes.

11 THE CHAIR: Representative Sheffield raises
12 a point of order. The time has expired. The point is
13 well taken.

14 REPRESENTATIVE WEBER: I have a
15 Parliamentary inquiry.

16 THE CHAIR: State your inquiry.

17 UNIDENTIFIED SPEAKER PHILLIPS: When
18 Mr. Reynolds was up at front there and his entire class
19 wrapped around him -- did they become known as Reynolds
20 Wrap?

21 THE CHAIR: The chair recognizes
22 Representative Hancock in opposition.

23 REPRESENTATIVE HANCOCK: Yes. Mr. Speaker,
24 I'd like to recognize Representative Reynolds for
25 working with us, working with the author on this bill.

1 Unfortunately, I'm going to have to table
2 this Amendment due to it would create issues on this
3 bill that we would not like to see at this time.

4 So I appreciate the joy in which he offered
5 it and the opportunity to work with him, but we are
6 going to have to table it at this time.

7 THE CHAIR: The chair recognizes
8 Mr. Reynolds to close.

9 REPRESENTATIVE REYNOLDS: Members, I
10 personally think that it would be hypocritical if we say
11 that yes, SB 14, we allow enhanced penalties for voter
12 impersonation.

13 Yet and still, we will not allow criminal
14 penalties for someone who disenfranchises a voter.

15 I say if it's good for the goose, then it's
16 good for the gander.

17 . Members, I move you not to table this
18 Amendment. Thank you. I move adoption.

19 THE CHAIR: Representative Reynolds sends
20 up the Amendment. Representative Hancock moves to
21 table. It's on the motion to table. Vote aye. Vote
22 nay.

23 Representative Harless voting aye. Show
24 Representative Miles voting no. Show Representative
25 Reynolds voting no. Show Representative Hancock voting

1 aye. Show Representative Mendendez voting no.

2 Have all voted?

3 Being 99 ayes, 48 nays.

4 The motion to table prevails.

5 The following Amendment.

6 The clerk will read the Amendment.

7 THE CLERK: Amendment by Martinez.

8 THE CHAIR: The chair recognizes
9 Representative Martinez.

10 REPRESENTATIVE MARTINEZ: Thank you,
11 Mr. Speaker, Members. This Amendment is one that's
12 very, very personal.

13 Years and years ago, back there was a lot
14 of discrimination, and discrimination against minorities
15 because of race, color. And all this Amendment does, it
16 says that anybody within that lineal descendent of a
17 person that was not permitted to vote back during that
18 time, they will not be -- will fall within this
19 provision of a Voter ID.

20 Mainly because of the personality of this
21 bill and we also have evidence that shows that clearly,
22 back when our governor of Texas was not allowing anybody
23 to vote if they were of color or of different race.

24
25 THE CHAIR: Ms. Dukes, for what purpose?

1 REPRESENTATIVE DUKES: Will the gentleman
2 yield?

3 THE CHAIR: Do you yield?

4 REPRESENTATIVE MARTINEZ: I do yield.

5 REPRESENTATIVE DUKES: The microphone was
6 not close to where I could really hear the explanation
7 of the Amendment.

8 REPRESENTATIVE MARTINEZ: Thank you. Is
9 that better?

10 REPRESENTATIVE DUKES: Yes. Yes. Can you
11 once again explain the elements of the Amendment.

12 REPRESENTATIVE MARTINEZ: Absolutely,
13 Representative.

14 This bill is very personal have it's
15 personal on minorities because of race and color.

16 Years and years ago, people of our race, of
17 our color were not allowed to vote for various reasons.
18 And all this does, this Amendment says that anybody who
19 has ever gone through that, within that, who is a lineal
20 descendent of a person who is not permitted to vote
21 would be exempt from this bill.

22 So it would allow us to be able to be
23 exempt from this type of legislation.

24 REPRESENTATIVE DUKES: So someone like my
25 grandmother or my grandfather, my parents, who during

1 pre-civil rights did not have the luxury to go freely
2 without intimidation, without the possibilities of a
3 poll tax or some type of literacy test to vote freely in
4 this country, although they were tax paying citizens --
5 they and their descendents would be affected by this
6 Amendment?

7 REPRESENTATIVE MARTINEZ: Oh, absolutely.
8 Absolutely. They would have to follow the Voter ID
9 requirements of this Amendment because we've always been
10 treated differently.

11 A lot of people don't under how different
12 it has been. A lot of people haven't been told that
13 they won't be served or that they cannot vote because of
14 the color of their skin or because of their race.

15 And all this Amendment does, it says that
16 if we have a lineal descendent of a person who is not
17 permitted to vote in that time, would he not fall within
18 this bill and we would be allowed to go without the
19 restrictions of Voter ID.

20 REPRESENTATIVE DUKES: And the provisions
21 of an individual that would be effected by the portion
22 of the Amendment beginning 1832 -- can you explain that
23 provision.

24 REPRESENTATIVE MARTINEZ: Sure. Yes,
25 ma'am.

1 Actually, back in January 1st of 1923, you
2 had people of color and people of different race that
3 weren't able to vote because of that very reason.

4 The governor at that time had passed
5 legislation that would not allow us to vote and
6 restricted them from voting in any type of or
7 participating in any type of forthcoming elections.

8 REPRESENTATIVE DUKES: Rather coincided
9 with the Jim Crow period?

10 REPRESENTATIVE MARTINEZ: Yes, ma'am.

11 REPRESENTATIVE DUKES: And the period
12 starting in 1800? 1833?

13 REPRESENTATIVE MARTINEZ: Yes, ma'am. And
14 back in March 2nd of 1936, because of the presumption of
15 a person's race and participating in the Mexican
16 Revolution, they were also not allowed to vote because
17 of our race.

18 REPRESENTATIVE DUKES: You know, I don't no
19 know if you are aware, but today when I was standing at
20 the front microphone and was talking about provisions
21 and Amendments to be placed on this bill to insure that
22 there will always be the free opportunity, unblocked by
23 some measure arbitrary to prevent individuals from
24 having the ability to vote, I thought about the stories
25 that my grandfather who is first cousins with Heiman

1 Sweat who sued the University of Texas for the ability
2 for African Americans and people of color to have an
3 opportunity at higher education, what they had to go
4 through.

5 He always told the story about the
6 discrimination that existed, and that they had to
7 suffer. Standing at that front microphone today, I felt
8 some of that discomfort that my ancestors felt being
9 looked in the face and told that they could not do
10 certain things, even though they were mentally
11 qualified. They were -- they're equal human beings and
12 citizen.

13 I think you have a good Amendment to insure
14 that never, ever, again, that there are unintended
15 consequences placed in statute maybe by well intended
16 people maybe to disenfranchise people who have already
17 suffered at the hands of laws that were created to
18 prevent them from being able to elect the person of
19 their choice.

20 REPRESENTATIVE MARTINEZ: Absolutely,
21 Representative, and you made a very, very good point
22 because many members in this chamber have never been
23 effected it by this. Many members in this chamber have
24 never been treated in a certain way. But to a lot of
25 us, we have. And we've gone through it and we've lived

1 through it.

2 And not only us, but our family members and
3 we are the decendents of those people that have been
4 effected it by this.

5 THE CHAIR: Mr. Coleman, for what purpose?

6 REPRESENTATIVE COLEMAN: Yes. Would the
7 gentleman yield for a question?

8 REPRESENTATIVE MARTINEZ: Sure.

9 THE CHAIR: Does the gentleman yield?
10 Mr. Martinez, do you yield?

11 REPRESENTATIVE MARTINEZ: Absolutely.

12 THE CHAIR: The gentleman yields.

13 REPRESENTATIVE COLEMAN: First of all, I
14 want to thank you for bringing this Amendment.

15 REPRESENTATIVE MARTINEZ: Thank you.

16 REPRESENTATIVE COLEMAN: Lately there's
17 been a lot of thought about whether or not we're moving
18 back to a time when persons weren't American citizens.
19 They were state citizens.

20 And the state of Texas or the state of
21 Alabama, Georgia, whomever else, New Mexico, Arizona,
22 could make the determination of whether that person had
23 an opportunity to participate in what we call our great
24 democracy. Is that correct?

25 REPRESENTATIVE MARTINEZ: That is correct.

1 REPRESENTATIVE COLEMAN: And when we have a
2 discussion about whether or not someone is worthy of
3 voting, at that time, those things were put in statute
4 in order to keep people from accessing that ballot box,
5 correct?

6 REPRESENTATIVE MARTINEZ: Absolutely. That
7 is correct.

8 REPRESENTATIVE COLEMAN: In 1964, as
9 Ms. Dukes has said people weren't just citizens of a
10 particular state.

11 When the Voting Right Act passed, we became
12 citizens of the United States of America and our
13 citizenship of America trumps anything because our
14 constitution guarantees us all the rights that were
15 afforded, correct?

16 REPRESENTATIVE MARTINEZ: That is correct.

17 REPRESENTATIVE COLEMAN: Well, I appreciate
18 you bringing this because there is a lot of talk about
19 state sovereignty and state's rights.

20 And the idea that this Legislature is going
21 to go back to a time when those words meant that the
22 literacy test, the bubbles and the soap, whatever your
23 stature, where you are in life was, was determined by
24 state sovereignty have thanks your Amendment.

25 REPRESENTATIVE MARTINEZ: Thank you.

1 THE CHAIR: Representative Sheffield raised
2 the point of order. The gentleman's time has expired.
3 The point is well taken and sustained.

4 Mr. Dutton, for what purpose?

5 REPRESENTATIVE DUTTON: Well, I was going
6 to ask a question but his time has expired.

7 THE CHAIR: Thank you.

8 The chair recognizes Representative Harless
9 in opposition.

10 REPRESENTATIVE HARLESS: Mr. Speaker,
11 Members, while we all regret certain conduct that
12 occurred many years ago, it's important that --

13 REPRESENTATIVE DUTTON: Mr. Speaker?

14 THE CHAIR: Mr. Dutton, for what purpose?

15 REPRESENTATIVE DUTTON: Could we turn the
16 volume up so we can hear Ms. Harless. I can't hear her.

17 REPRESENTATIVE HARLESS: You can't hear
18 women's voices.

19 REPRESENTATIVE DUTTON: I got it now. I
20 got it now. I'm sorry. I couldn't hear you and it's an
21 echo back here.

22 REPRESENTATIVE HARLESS: Okay.

23 REPRESENTATIVE DUTTON: Maybe we can get
24 some acoustical engineer to figure out what's going on
25 back here. It may be just me, go ahead.

1 REPRESENTATIVE HARLESS: I think you and I
2 should be the new coffee and cream.

3 REPRESENTATIVE DUTTON: I didn't hear that.
4 What did you say? Say that again. We did what? I
5 think we ought to share coffee and cream?

6 REPRESENTATIVE HARLESS: May I finish?

7 REPRESENTATIVE DUTTON: Can't hear you.

8 REPRESENTATIVE HARLESS: May I finish?

9 REPRESENTATIVE DUTTON: Mr. Speaker, would
10 you ask my folks over here to be a little quieter so I
11 can hear Ms. Harless. I didn't hear what she said.

12 REPRESENTATIVE HARLESS: I said while we
13 all regret that certain conduct that occurred many years
14 ago, it's important that this bill apply to all current
15 Texans in a fair, rationale manner.

16 I don't believe it's appropriate to exempt
17 certain current Texans based on the wrongdoings of
18 Texans who lived decades if not centuries ago.

19 I make a Motion to table.

20 REPRESENTATIVE DUTTON: I'll wait until
21 Mr. Martinez comes back.

22 THE CHAIR: The chair recognizes
23 Representative Martinez to close.

24 REPRESENTATIVE MARTINEZ: Thank you,
25 Mr. Speaker, Members.

1 REPRESENTATIVE DUTTON: Mr. Speaker.

2 THE CHAIR: Representative, for what
3 purpose?

4 REPRESENTATIVE DUTTON: Will the gentleman
5 yield?

6 THE CHAIR: Will you yield?

7 REPRESENTATIVE MARTINEZ: Absolutely.

8 THE CHAIR: The gentleman yields.

9 REPRESENTATIVE DUTTON: Tell me, again, the
10 purpose of your Amendment, Mr. Martinez.

11 REPRESENTATIVE MARTINEZ: Mr. Dutton, as
12 you well know that years and years ago, back in the
13 1800s, 1836, 1923, there was a lot of people that were
14 discriminated against who were not allowed to vote
15 because of their race and their color.

16 And what we are saying is that anybody in
17 this state should have a right to vote and their vote
18 should not be suppressed.

19 And if you are a lineal descendent of a
20 person who was not allowed to vote, this vote should not
21 be applied to you.

22 REPRESENTATIVE DUTTON: So do I have to
23 prove that? Do I have to prove my lineal heritage?

24 REPRESENTATIVE MARTINEZ: Well, I believe
25 that --

1 REPRESENTATIVE DUTTON: Well, in my case,
2 it's probably obvious.

3 REPRESENTATIVE MARTINEZ: I think in both
4 our cases it's probably obvious, especially in some of
5 the legislation that was passed back by the Governor --

6 REPRESENTATIVE DUTTON: And so you're
7 trying to exempt, at least, at this point, exempt those
8 people from whatever effects this bill has?

9 REPRESENTATIVE MARTINEZ: Absolutely.

10 REPRESENTATIVE DUTTON: And is it your
11 understanding that this bill, at least, has some costs
12 to the person who's attempting to vote?

13 REPRESENTATIVE MARTINEZ: Oh, absolutely.
14 It is a direct attack on minorities. I believe it is a
15 step back from where we have gotten from our civil
16 rights movement. From all the hard work by our civil
17 rights leaders to get to where we are now.

18 And now to suppress any vote by any
19 minority is a step backwards and I'm against that.

20 REPRESENTATIVE DUTTON: And at cost -- is
21 that cost for sort of similar to what we had in the
22 past, which we called the poll tax? A p-o-l-l for some
23 members who might not know what that means?

24 REPRESENTATIVE MARTINEZ: Absolutely,
25 Representative. That's exactly what that means.

1 REPRESENTATIVE DUTTON: And so your
2 Amendment is an attempt to, at least, go around that for
3 those people who you describe in the Amendment as having
4 had some past effect or past discrimination?

5 REPRESENTATIVE MARTINEZ: Absolutely,
6 Representative. Anybody who has ever had any type of
7 voter suppression or has not been able to vote and is a
8 part of that family would be exempt from this bill.

9 REPRESENTATIVE DUTTON: And so your
10 Amendment is really one that says we're going to exempt,
11 based on the present facts of those people to some past
12 discrimination that existed during the time periods
13 which your Amendment talks about?

14 REPRESENTATIVE DUTTON: Okay. I think you
15 have a good Amendment.

16 REPRESENTATIVE MARTINEZ: Thank you.

17 THE CHAIR: Mr. Pena, for what purpose?

18 REPRESENTATIVE PENA: For a question.

19 THE CHAIR: Mr. Martinez, do you yield?

20 REPRESENTATIVE MARTINEZ: Yes, I yield.

21 THE CHAIR: The gentleman yields.

22 REPRESENTATIVE PENA: Representative
23 Martinez, as I understand it, you want to set up one
24 system of protection for people who's family lineage
25 has had a history of discrimination; is that correct?

1 REPRESENTATIVE MARTINEZ: What this
2 Amendment does is that anybody who's a lineal descendent
3 of a person who is not permitted to vote would be exempt
4 from this bill.

5 REPRESENTATIVE PENA: Okay. And what class
6 of people are you speaking about?

7 REPRESENTATIVE MARTINEZ: Anybody who's a
8 descendent of somebody who's not permitted to vote.

9 REPRESENTATIVE PENA: So if you're a person
10 who is a --

11 REPRESENTATIVE MARTINEZ: So if you're a
12 person as a descendent who was not permitted to vote,
13 you fall within this Amendment --

14 REPRESENTATIVE PENA: So that would be
15 African Americans?

16 REPRESENTATIVE MARTINEZ: That would be
17 whoever falls within this lineal descendent of a person
18 who is not permitted to vote.

19 REPRESENTATIVE PENA: That would be women,
20 I take it?

21 REPRESENTATIVE MARTINEZ: Anyone who's a
22 lineal descendent of a person who's not permitted to
23 vote.

24 REPRESENTATIVE PENA: That would be people
25 who didn't own -- in the early years, am I correct that

1 only people who owned land could vote?

2 REPRESENTATIVE MARTINEZ: If they fell
3 within that parameter, then you're correct.

4 REPRESENTATIVE PENA: Okay. Do you have
5 concern that your Amendment doesn't meet the equal
6 protection argument of the United States Constitution?

7 REPRESENTATIVE MARTINEZ: Well, I don't
8 think it doesn't have equal protection. I think that it
9 is talking about anybody who has ever been suppressed
10 from voting would fall into this Amendment.

11 REPRESENTATIVE PENA: What you're basically
12 saying is that as I understand it, is that white people
13 wouldn't come under this protections; is that correct?

14 THE CHAIR: Representative Sheffield raises
15 the point of order. The gentleman's time has expired.
16 The point of order is well taken and sustained.

17 Representative Martinez sends up an
18 Amendment. Representative Harless moves to table.

19 On the motion to table, vote aye or vote
20 nay.

21 The clerk will ring the bell.

22 Have all voted? Have all voted?

23 Being 100 ayes, 44 nays, the motion to
24 table prevails.

25 Mr. Castro, for what purpose?

1 REPRESENTATIVE CASTRO: For a Parliamentary
2 inquiry, Mr. Speaker.

3 THE CHAIR: State your inquiry.

4 REPRESENTATIVE CASTRO: Mr. Speaker, is it
5 the Chair's understanding that each Committee Report
6 according to Rule 4 Section III 2C, must include in
7 summary or section by section form a detailed analysis
8 of the subject matter of the bill or Resolution?

9 THE CHAIR: That is part of the rule and
10 section that you cite, yes.

11 REPRESENTATIVE CASTRO: Would the effective
12 date of the substantial provision of this bill -- would
13 that be included in that summary or detailed analysis?

14 THE CHAIR: Mr. Castro, that would be a
15 hypothetical. If you have a point of order, you can
16 bring it down front.

17 REPRESENTATIVE CASTRO: Sure, I would like
18 to raise a point of order for further consideration of
19 the committee substitute to Senate Bill 14 under you
20 will Rule 4 Section III 2C of the rules of the House on
21 the grounds be that the bill in the office is
22 substantially and terribly misleading.

23 THE CHAIR: Bring your point of order down
24 front.

25 (Point of Order)

1 THE CHAIR: The Chair has removed the bill
2 and the Bill Analysis. The bill find that the Bill
3 Analysis was not substantially or materially misleading
4 as relates to the bill.

5 The point of order is overruled.

6 The chair recognizes Representative Veasey
7 for a motion.

8 REPRESENTATIVE VEASEY: Members, if I could
9 have your attention quickly. On the motion -- this is a
10 Motion to reconsider the vote by which Amendment No. 48
11 was adopted.

12 And No. 48 was the Amendment -- Amendment 4
13 was the Amendment that Representative Bonnen had and
14 he's going to explain the Amendment again.

15 But I didn't want to do a Motion to
16 reconsider because it passed by unanimous cannot sent on
17 the original vote. And I would actually like to be on
18 record as changing my vote.

19 THE CHAIR: The Chair recognizes
20 Representative Bonnen.

21 REPRESENTATIVE BONNEN: Thank you,
22 Mr. Speaker, Members.

23 The members was the severability clause.
24 And quite frankly, Members, in most bills would be
25 harmless and not terribly significant. But with respect

1 to Mr. Veasey, it insures that in one respect, the bill
2 should be challenged or questioned, that the rest of the
3 bill would become law.

4 And in respect to Mr. Veasey and our other
5 colleagues, they want to make sure they have the
6 opportunity to vote against this Amendment to make it
7 clear to their constituents they had an opportunity for
8 this entire bill to be struck for a section, they stood
9 up and said no with respect to this severability.

10 So with respect to Mr. Veasey and the rest
11 who want the opportunity to be on record with this, I am
12 with you in recalling the vote and would respectfully
13 ask that you vote for the Amendment and I think that
14 Mr. Veasey would ask you to vote against it.

15 REPRESENTATIVE VEASEY: I want to thank the
16 gentleman from Angleton, and I don't think I could have
17 said it any better myself.

18 THE CHAIR: Members, the motion is to
19 reconsider the vote by which Amendment 48 is passed. Is
20 there any objection to the motion to reconsider?

21 The the Chair hears none.

22 So ordered.

23 The Chair lays out Amendment 48.

24 The clerk will read the Amendment.

25 THE CLERK: Amendment by Bonnen.

1 THE CHAIR: The chair recognizes
2 Representative Bonnen.

3 REPRESENTATIVE BONNEN: This is what I just
4 explained. It's the severability to insure that if a
5 section of this bill for some reason is being challenged
6 or questioned constitutionally, that the rest of the
7 bill would live on and become law.

8 So this is simply what it does. I would
9 ask you to vote for the Amendment.

10 THE CHAIR: The Chair recognizes
11 Representative Veasey.

12 REPRESENTATIVE VEASEY: Thank you. I think
13 that the bill is so bad and so egregious and so violates
14 civil rights and the Voting Right Act that I don't want
15 any of it to become law.

16 So hopefully if it's struck down, we'll
17 move on and continue on with the great voting system
18 that we already have in place in our great state.

19 Thank you.

20 THE CHAIR: Members, Mr. Bonnen sends up an
21 Amendment. A record vote's been requested. Vote aye or
22 vote no on the Amendment.

23 Show Mr. Bonnen voting aye. So Mr. Veasey
24 voting no.

25 Have all voted?

1 Being 100 ayes and 49 noes, the Amendment
2 is adopted.

3 The Chair recognizes Representative Dutton
4 for an announcement.

5 REPRESENTATIVE DUTTON: Mr. Speaker,
6 Members, I just wanted to alert the members of the House
7 Voting Affairs Committee, that this proceeding has gone
8 on too long and it has interfered with our meeting and
9 it has been cancelled.

10 THE CHAIR: The following Amendment.
11 The clerk will read the Amendment.

12 THE CLERK: Amendment by Strama.

13 THE CHAIR: The Chair recognizes
14 Representative Strama.

15 REPRESENTATIVE STRAMA: Thank you,
16 Mr. Speaker.

17 REPRESENTATIVE PHILLIPS: Mr. Speaker.

18 THE CHAIR: Yes.

19 REPRESENTATIVE PHILLIPS: I'd like to call
20 a point of order on Rule 11 Section2, and Rule 11
21 Section III.

22 THE CHAIR: Bring your point of order down
23 front.

24 (Point of Order)

25 THE CHAIR: The point of order is

1 withdrawn.

2 THE CHAIR: The Chair recognizes
3 Representative Strama.

4 REPRESENTATIVE STRAMA: Thank you,
5 Mr. Speaker and members.

6 Either you all aren't going to hear me lay
7 out this Amendment or you're going to have to listen
8 carefully because this is as loud as I'm capable of
9 talking right now.

10 THE CHAIR: Can we have order. Mr. Strama
11 has lost his voice.

12 Mr. Bonnen, for what purpose?

13 REPRESENTATIVE BONNEN: Mr. Speaker, would
14 it be appropriate to treat Mr. Strama's as a personal
15 privilege, to have everyone sit down, be quiet and just
16 listen.

17 REPRESENTATIVE STRAMA: Thanks,
18 Representative Bonnen.

19 Let me lay out this Amendment quickly,
20 Members, and we can dispose of the...

21 The purpose of this bill, as its author has
22 stated, is to try to bring integrity to our election
23 process. That is the purpose of this Amendment, as
24 well, but I want to make it clear to you. It goes about
25 doing so in a dramatically different way than the bill

1 does.

2 The bill requires a photo ID of everyone
3 who shows up in-person to vote, though it doesn't
4 require a Photo ID of those who vote by mail.

5 What this Amendment with would do instead
6 is get at the broader issue of electoral integrity by
7 requiring that the Secretary of State's office require
8 training to county election officials to require voter
9 fraud by requiring county election officials to conduct
10 a post election integrity audit after every election; to
11 report the results of that audit to their County
12 Commissioner's Court.

13 And if they've identified any evidence of
14 fraud, to report that evidence to a special distribution
15 that would be created within every prosecutors office in
16 the state with specialized training in detecting,
17 investigating and prosecuting voter fraud, including
18 voter impersonation.

19 It's against the legal -- our laws are
20 actually pretty strong against voter impersonation and
21 voter fraud. We have to enforce those laws. Everybody
22 on this floor. Though we haven't agreed on much today,
23 we have to agree on preventing voter fraud.

24 Those of us who have voted against all the
25 efforts in this, by doing so sanctioning voter fraud, no

1 more so than those who favor this bill intend in doing
2 so to sanction the disenfranchisement of some voters.

3 But we have to weigh those two values
4 against each other. Because while it may not be the
5 purpose of this bill to disenfranchise some voters, it
6 is, unfortunately, the inevitable consequence of it.
7 And it is not the purpose of those of us who oppose this
8 bill to sanction voter fraud.

9 And that is why I bring in good spirit and
10 good faith an evident to address the fundamental
11 problem. The problem of people who would break the law
12 to try to change the out comes of our election and to do
13 so in a prosecutorial way, rather than in a way that
14 might have the unintended consequence of
15 disenfranchising anyone.

16 Because just as Representative Harless, my
17 good friend said when she laid this bill out, that it
18 undermines the sacrosanct value of democracy when anyone
19 commits voter fraud. It does the same when anyone who
20 is entitled to vote is denied their ability to vote.

21 This is an Amendment that gets at electoral
22 integrity without the unintentional disenfranchisement
23 of voters. And it will work, I believe, more
24 effectively at insuring election integrity than the bill
25 does in its current form.

1 So that's why this Amendment strikes the
2 whole bill and replaces it with an enforcement and
3 prosecution strategy that will be a more effective
4 deterrent to voter fraud than what's in the current bill
5 without the collateral consequences that undermine the
6 integrity of democracy by disenfranchising certain
7 people.

8 And so I move adoption of the Amendment.

9 REPRESENTATIVE HAMILTON: Mr. Speaker.

10 THE CHAIR: Mr. Hamilton, for what purpose?

11 REPRESENTATIVE HAMILTON: Can we get that
12 reduced into writing? We didn't hear a single word he
13 said.

14 THE CHAIR: The Chair recognizes
15 Representative Harless.

16 REPRESENTATIVE HARLESS: Members, it's been
17 a long night. This Amendment creates an unfunded
18 mandate on accounting, and it would be done better at
19 the Secretary of State's Annual Election Law Training
20 and I ask that you table the Amendment.

21 REPRESENTATIVE TURNER: Mr. Speaker.

22 THE CHAIR: Yes, sir.

23 REPRESENTATIVE TURNER: I ask, will the
24 lady yield?

25 THE CHAIR: Will you yield?

1 REPRESENTATIVE HARLESS: I will.

2 REPRESENTATIVE TURNER: Representative
3 Harless, I was silent most of the day, but on this
4 particular Amendment, are you asking us to table a vote
5 against an Amendment that, basically, is asking us to
6 maintain the integrity of the election process?

7 REPRESENTATIVE HARLESS: That is not how I
8 read it. I read that it strikes the entire bill and
9 creates an election integrity task force.

10 REPRESENTATIVE TURNER: Well, but it says
11 that if anyone is impersonating another voter, that
12 these audits will be conducted, and the intent is to get
13 at any voter fraud.

14 Help me to understand: If we vote against
15 this Amendment, we are voting against an Amendment that
16 speaks against voter fraud. It's an Amendment that
17 speaks against the Secretary of State of the county
18 erring sitting up an integrity unit.

19 It speaks against, the same thing like we
20 talked about back in Medicaid fraud, the same thing that
21 we talked about in Medicaid fraud, that all of us who
22 are against. This speaks against voter fraud.

23 So I just want to make sure that we are all
24 clear. If we vote against or table this Amendment, then
25 we are, essentially, saying that we are for a system

1 that encourages voter fraud or people who are
2 impersonating other voters because that's what the
3 Amendment speaks against.

4 I just want to be clear as to what we're
5 voting against.

6 REPRESENTATIVE HARLESS: I disagree that
7 that's what the Amendment says. Our bill spells out
8 specifically what it takes to show up at a poll and vote
9 in-person, and that is to increase the integrity and
10 election process, build confidence with the public.

11 This bill completely takes our bill out.
12 Strikes it and en acts a new election integrity task
13 force.

14 And I move to table.

15 REPRESENTATIVE TURNER: But the Amendment
16 also says that if, for example, there's anyone
17 impersonating a voter, illegally impersonating a voter,
18 that there are consequences and that the integrity task
19 force can prosecute any of those individuals.

20 So, I mean, if we vote to table or we vote
21 against the Amendment, I mean, we are voting against the
22 substance and the essence of the Amendment.

23 REPRESENTATIVE HARLESS: I disagree. The
24 bill that we have says that if you are impersonating a
25 voter, there is penalties for that. Our bill does

1 exactly what this did without the task force.

2 Thank you. I move to table.

3 THE CHAIR: The Chair recognizes
4 Representative Strama to close.

5 REPRESENTATIVE STRAMA: Thank you,
6 Mr. Speaker, Members. I know I sound the way the rest
7 of you feel at this hour so I will just close by saying
8 this: There is a standard in current law that you can
9 vote without a photo ID if you vote by mail.

10 And there's a reason why this bill doesn't
11 address that vulnerability in the integrity of the
12 election system. It is not because there isn't a
13 vulnerability in the voter by mail process. It is
14 because the only way to address it would be to shut down
15 voting by mail.

16 And you wouldn't do that well because that
17 would make our elections more secure. It would make
18 them substantially less accessible. And there is a
19 tradeoff between security and accessibility in
20 elections.

21 And you all decided, Representative Harless
22 decided, in offering this legislation without
23 eliminating the vote by mail procedure, that sometimes
24 requiring a photo ID has too high a cost that the
25 security benefits you gain from the Photo ID and the

1 vote-by-mail would be at too high a cost of
2 accessibility.

3 It would eliminate more voters than it
4 would reduce voter fraud. I feel the same is true of
5 the bill itself. There is no evidence of substantial
6 voter fraud caused by substantial voter impersonation at
7 the polls.

8 And that the disenfranchisement, whether
9 it's unintentional or not, and whether it's a small
10 number of people who may be disenfranchised by it or
11 not. The reduction of accessibility is greater than the
12 reduction of fraud under this bill's approach.

13 But I share the bill's goal of insuring the
14 integrity of elections and that's why this Amendment is
15 a better way to get there.

16 I will close by reading to you all
17 something that I just think restates our common values
18 as a House of Representatives about democracy. It's
19 something I read a long time ago from a book called "The
20 Making of the President, 1960."

21 It calls American elections, particularly
22 presidential elections, the most awesome transfer of
23 power in the world.

24 "The power to martial and mobilize. The
25 power to send men to kill or be killed. The power to

1 tax and destroy. The power to create, and the
2 responsibility to do so all committed into the hands of
3 one person.

4 "Heros and philosophers, (inaudible) tried
5 to make this particular manner of transfer of power work
6 effectively. No people have exceeded at it better or
7 over a longer period of time than Americans.

8 "Yet, as this transfer of power takes
9 place, there is nothing to be seen except an occasional
10 line outside of church or school or a file of people
11 fidgeting in the lane waiting to enter the booth.

12 "No bands playing on election day. No
13 troops march. No guns are riddled. No conspirators
14 gathered in secret headquarters.

15 "The noise and the blare. The bands and
16 the screaming. Patriarchy and the oratory of the long
17 Fall campaign fade on election day."

18 We have a good thing in this country.
19 Nobody does it better than we do. There is a lot of
20 hysteria about the integrity of you are election process
21 on the right. It comes from this fear that there are a
22 bunch of illegal immigrants voting by impersonating
23 someone else.

24 On the left it comes from people who think
25 that electronic voting machines can't be trusted. Both

1 sides are wrong. We do it right in this country. We
2 could do it better. My Amendment does it better and I
3 want you to vote yes for the Amendment and no on the
4 motion to table.

5 THE CHAIR: Representative Strama sends up
6 an Amendment. Representative Harless moves to table.
7 This is on the motion to table. Vote aye. Vote nay.

8 Show Ms. Harless voting aye. Show
9 Mr. Strama voting no.

10 Have all voted?

11 Being 100 ayes and 49 nays, the motion to
12 table prevails.

13 Following Amendment.

14 The clerk will read the Amendment.

15 THE CLERK: Amendment by Eiland.

16 THE CHAIR: The Chair recognizes
17 Representative Eiland.

18 REPRESENTATIVE EILAND: Mr. Speaker,
19 Members, this is the last Amendment. We've been here
20 over 12 hours and I'm tired. Are you tired?

21 Let me tell you what. I'm tired, though.
22 I'm tired of this card. This voter registration card is
23 absolutely worth less after the package of this bill.

24 And what my Amendment does is it would
25 phase out the use of these paper cards. This is the

1 only government document that I know that as soon as you
2 get it, it is of no use because as soon as this bill
3 passes, you get this card, and you go what is it? Voter
4 registration card.

5 What do I do with it? You can vote with
6 it. Okay. And I take it down and go here's my voter
7 registration card. I want to vote. That's no good.
8 You have an ID.

9 So I have this and an ID? Yes?

10 Well, if I just have my ID, can I vote?
11 Yes.

12 Well, why do I need this?

13 So what my Amendment does, it says that all
14 of the driver's license, which is what I use to vote,
15 would have your information on it and you use your
16 driver's license to vote or this Photo ID, would you use
17 it to vote.

18 And we would stop using this worthless
19 paper ballot at some point in the near future. Because
20 after the package of this bill, this is worthless.

21 And so if my driver's license is good
22 enough to pull my eyes out when I'm dead, it ought to be
23 able to serve as my voter registration card and my
24 driver's license and my ID. And the bill does other
25 things, such as same day registration because I'm tired

1 -- you have to register before the negative campaigns
2 even start.

3 Nobody pays attention till 30 days out and
4 if you start paying attention the 29th day out, it's too
5 late. You don't get to participate.

6 So we need to modernize our system and
7 allow people to vote when the negative ads start and
8 people get interested, which is about 30 days out,
9 25 days out, 20 days out.

10 So, ladies, and gentlemen of the jury, vote
11 for my bill and let's get rid of these cards and let's
12 have same day registration. Vote no on the motion to
13 table.

14 REPRESENTATIVE HARLESS: I move to table.

15 THE CHAIR: The Chair recognizes
16 Mr. Harless in opposition.

17 Mr. Burman, for what purpose?

18 REPRESENTATIVE BERMAN: Will the lady yield
19 for just one moment?

20 THE CHAIR: Ms. Harless, do you yield?

21 The lady yields.

22 REPRESENTATIVE BERMAN: Patricia, wouldn't
23 this allow same-day voting? You could bring a bus load
24 of people with a picture of yourself and you can go
25 right in and vote? There's no registration? Wouldn't

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1 that do exactly what I just described?

2 REPRESENTATIVE HARLESS: We're moving to
3 table the bill.

4 REPRESENTATIVE BERMAN: Thank you.

5 THE CHAIR: The Chair recognizes Mr. Eiland
6 to close.

7 REPRESENTATIVE EILAND: I close.

8 THE CHAIR: Mr. Eiland sends up an
9 Amendment. Representative Harless moves to table on the
10 motion to table.

11 Vote aye. Vote no.

12 Show Ms. Harless voting aye. Show
13 Mr. Eiland voting no.

14 Have all voted?

15 Being 100 ayes and 49 nays, the motion to
16 table prevails.

17 Members, anyone wishing to speak for or
18 against the bill?

19 The Chair recognizes Representative Aliseda
20 to speak in favor of the bill.

21 REPRESENTATIVE ALISEDA: Members,
22 Mr. Speaker, it is such an honor to be standing here
23 representing my district, and as a State Representative
24 in supporting Representative Harless and this Voter ID
25 Bill.

1 As I stated earlier today, I am a Mexican
2 immigrant. I came to this country at the age of four
3 and became a United States citizen at the age of 17.

4 I want to show you what they use in Mexico
5 to vote. This is a Mexican federally issued biometric.
6 It has on the front a picture, on the back, a magnetic
7 strip containing additional information, and a
8 fingerprint.

9 I'm a proud American now, and using an ID
10 to vote just makes commonsense, and we need it here and
11 we need it now.

12 You need an ID in this country to do
13 anything in today's society. To cash a check. To open
14 a bank account. To do something as simple as rent a
15 movie. Americans expect it. Americans want it. They
16 want it because they want to believe that they're voting
17 system is. At least, as safe as renting a movie at
18 Blockbuster.

19 Do I believe that there are some Americans
20 who do not vote because they feel it is useless because
21 of fraud? Yes. How do I know that? Because they have
22 told me so.

23 I've served this country for five years as
24 a United States Naval Officer for my country. I did not
25 do that so that some dead person could vote or so that

1 Mickey Mouse registered by Acorn could vote.

2 I served my home county, Bee County, as its
3 County Attorney for eight years. In 1990 as a young
4 democrat County Attorney I had investigated and I
5 prosecuted voter fraud cases. I actually got
6 convictions.

7 I did not do that just to bring the
8 perpetrators to justice. I did it primarily because my
9 citizens needed to believe that they had a clean and
10 fair election system, and that someone was fighting for
11 that.

12 That is exactly why I strongly support this
13 bill. My district is comprised of seven counties south
14 of San Antonio and west of Corpus Christi. According to
15 2008 statistics you, one county in my district, Goliad
16 County, had more people registered to vote than persons
17 eligible to vote.

18 Under current law, the opportunity for
19 fraud is there.

20 In 2008, a high water mark for voter
21 registration, Texas had an overall registration rate of
22 76 percent of eligible voters. In McMullen County,
23 another one of my counties, in 2008 we had a voter
24 registration percentage of 97.9 percent. 21.4 percent
25 above the state average. The opportunity for fraud was

1 probably there.

2 Jim Wells County -- some of you may have
3 heard of Jim Wells County, that's the home of the
4 infamous Box 13 -- in 2008 they had eligible voter
5 registration of 90.44 percent or 14 point above the
6 state average. The opportunity for fraud was probably
7 there.

8 In 2004 in Bee County, we had a woman cast
9 a ballot as if she were her deceased mother.

10 In 2007 the Texas State Auditor's Office
11 found that Texas had 49,049 registered voters who may
12 have been ineligible to vote. Of those, there were
13 23,500 voters on the role who were probably deceased.

14 Would voter ID possibly have stopped them
15 if they had tried to vote? I think so.

16 There were also 230,059 voters identified
17 as having duplicate records. I believe Voter ID would
18 have helped there, also.

19 In the Voter ID Committee I heard testimony
20 from election officials that in-person voter fraud had
21 actually occurred and that they had witnessed it. They
22 testified that they had voters show up with multiple ID
23 cards. Do I believe voter fraud has occurred? Yes.

24 I believe that the majority of my
25 constituents in my district, Democrats, Independents and

1 Republicans, want this and I intend to vote for it, and
2 I ask that you do so, also.

3 Thank you.

4 THE CHAIR: Mr. Pena, for what purpose?

5 REPRESENTATIVE PENA: I'd like to ask a
6 couple of questions, but before I do that, Mr. Speaker,
7 I'd like to have his comments reduced into writing and
8 placed into the record.

9 THE CHAIR: Members, you've heard the
10 motion.

11 Is there an objection?

12 The Chair hears none.

13 So ordered.

14 REPRESENTATIVE PENA: Representative, I
15 would say that it's good to hear your story. I'm always
16 impressed when I get to hear about your family coming
17 from Mexico, and you are from my home area, as well; is
18 that correct?

19 REPRESENTATIVE ALISEDA: I am a McCowen
20 High grad, yes that's correct.

21 REPRESENTATIVE PENA: Yes. So you know
22 about the political environment in which I live, which
23 is quite similar to the one that you live in South
24 Texas.

25 REPRESENTATIVE ALISEDA: Yes. I didn't

1 bother to look up the numbers in your county. Just in
2 my district.

3 REPRESENTATIVE PENA: And you talked about
4 some of the voter fraud or corruption that you have
5 heard about or prosecuted in your area of South Texas.

6 REPRESENTATIVE ALISEDA: Yes.

7 REPRESENTATIVE PENA: Would you be
8 surprised to learn that one of my campaign workers's
9 father voted against me while he was deceased?

10 REPRESENTATIVE ALISEDA: That does not
11 surprise me, no.

12 REPRESENTATIVE PENA: I want you to give
13 the members here an idea of what the people are asking
14 for in South Texas, with regards to confidence in the
15 voting system.

16 REPRESENTATIVE ALISEDA: I had a Jim Wells
17 County, unfortunately, it was on a day that we took a
18 recess and I had the opportunity to sit with elected
19 officials from Jim Wells County, all Democrats and
20 citizens from that county.

21 And I asked them about this Voter ID Bill.
22 And to a person, they said we need it have we need this
23 and we need other things. You and I have some bills
24 that we filed for issues such as voter registration and
25 mail-in ballot fraud. We need to do more. This is just

1 the first step.

2 REPRESENTATIVE PENA: You and I have filed
3 about 20 or 30 bills dealing with much of the other
4 voter fraud that have been discussed other than voter
5 impersonation; is that correct?

6 REPRESENTATIVE ALISEDA: Yes.

7 REPRESENTATIVE PENA: And did you file
8 yours because there is a demand for that coming from
9 your citizens?

10 REPRESENTATIVE ALISEDA: Yes, and because I
11 think we need it. That's what a Representative does.
12 It's a Republican. We represent our desk.

13 REPRESENTATIVE PENA: Now, you gave
14 reference to some of the colorful history in South
15 Texas. We still have, in my opinion, remnants of the
16 boss system or patron system, as we call it.

17 Is that similar or is that the same in your
18 community?

19 REPRESENTATIVE ALISEDA: Of course.

20 For example in Jim Wells County, as
21 recently as, I think, last year or the year before, we
22 had the Attorney General conduct the investigation
23 because of the politicos, doing what's called vote
24 harvesting in Jim Wells County. That was occurring in
25 my county back in 1990.

1 REPRESENTATIVE PENA: Tell us what vote
2 harvesting is.

3 REPRESENTATIVE ALISEDA: Well, it's when
4 you hire individuals to effectively go to nursing homes
5 and the homes of the elderly, have them apply for a
6 ballot or perhaps you apply or that individual applies
7 for a ballot for them.

8 The ballot comes, and the ballot is somehow
9 voted, either because the politico or politico
10 identifies by word, sign or gesture to the voter after
11 they filed the mail truck out to the home, and said
12 here, you need to vote for this party or this person or
13 the ballot somehow gets magically voted and sent back.

14 Or if they vote the wrong way, the ballot
15 gets toss in the mail before its deposited in the
16 mailbox.

17 REPRESENTATIVE PENA: And do you perceive
18 that amongst the people that you represent, that there's
19 a loss of confidence in the electoral system?

20 REPRESENTATIVE ALISEDA: I've had many a
21 person's tell me that they don't believe that their vote
22 will count because of the fraud that exists in South
23 Texas.

24 REPRESENTATIVE PENA: Do you believe that
25 it's important that as representatives of those people

1 that we come forward with solutions to try to bring back
2 a sense of confidence so people participate in the
3 system?

4 REPRESENTATIVE ALISEDA: It just makes
5 sense, yes.

6 REPRESENTATIVE PENA: In your area do you
7 have a system that I'd like to describe that's in my
8 area where people assist people to vote?

9 REPRESENTATIVE ALISEDA: Yes. Well, that's
10 actually in the Election Code.

11 REPRESENTATIVE PENA: And do they assist
12 and tell them how to vote? Is that a common practice?

13 REPRESENTATIVE ALISEDA: That is something
14 that is illegal. That's why it's illegal when you do it
15 in a mail-in ballot situation. It's also illegal when
16 you do it at the polling place.

17 REPRESENTATIVE PENA: And again, this
18 brings about a loss of confidence in the electoral
19 system?

20 REPRESENTATIVE ALISEDA: Yes. The other
21 problem we had in my county --

22 THE CHAIR: Representative Sheffield raises
23 a point of order the gentleman's time has expired. The
24 point of order is well taken. The point of order is
25 sustained.

1 REPRESENTATIVE PENA: Mr. Speaker?

2 THE CHAIR: Mr. Pena, for what purpose?

3 REPRESENTATIVE PENA: I'm sorry,

4 Mr. Speaker. I was going to make a motion, but I'm not.

5 THE CHAIR: Thank you.

6 The Chair recognizes Representative Veasey
7 to speak in opposition to the bill.

8 REPRESENTATIVE VEASEY: Members,
9 Mr. Speaker, I'm not going to talk long. We've had a
10 very, very long evening. Of course you know I'm in
11 opposition of this bill. I think that it discriminates.
12 I think it will disenfranchise.

13 And I was just kind of thinking about the
14 history of the Texas House of Representatives and what
15 has changed over the last hundred years or so.

16 Obviously the chamber has changed. It
17 wasn't too long ago that there were no African Americans
18 and no Hispanics at all that served in this body and it
19 was large my because of the discrimination that took
20 place at the polling place.

21 And there was times where this body even
22 upheld certain segregation policies that dealt with
23 integrated schools and interracial marriage and other
24 things like that that obviously we would find despicable
25 today.

1 But what hasn't changed, even though the
2 parties have changed, is that when it comes time to
3 doing the right thing on decisions that largely involve
4 race, that conservatives just cannot do the right thing.
5 It's too hard. People didn't do the right thing in
6 regards to school desegregation. People just stuck with
7 their communities. People didn't want to go against.

8 People thought that they weren't going to
9 be able to come back here when it dealt with
10 segregation. When it dealt with whether our colleges
11 and universities weren't going to be integrated have
12 people couldn't do the right thing.

13 People thought when it came time to take a
14 stance on slavery, people couldn't do the right thing.
15 But people -- but I guarantee you, the people that
16 served here in the 1950s and '60s, they'll look back and
17 say, you know what? That was wrong.

18 I should have -- when I was in the Texas
19 Legislature I should have done something. I should have
20 stood up. I thought school desegregation was right
21 then. I thought that segregated water fountains was
22 right then. I should have stood up and done the right
23 thing.

24 And I can guarantee you that after this
25 bill passes and we see who is discriminated against, and

1 we see who suffers because of the strict requirements in
2 this bill, that just like the people that served here in
3 the 1950s, just like the people that served here in the
4 1930s, and the people that served here during
5 reconstruction and before, they had to look back in
6 shame.

7 They didn't have a good story to tell their
8 kids and their grandkids about how they dealt with the
9 issue of race. We're making the same miss takes here
10 today.

11 REPRESENTATIVE BURNAM: Mr. Speaker, would
12 the gentleman yield?

13 THE CHAIR: Mr. Veasey do you yield?

14 REPRESENTATIVE VEASEY: Yes.

15 THE CHAIR: The gentleman yields.

16 REPRESENTATIVE BURNAM: Representative, you
17 and I were raised in the same area of Fort Worth,
18 correct?

19 REPRESENTATIVE VEASEY: Correct.

20 REPRESENTATIVE BURNAM: And while you're
21 younger than I, we have very similar experiences in and
22 around the Lake Coumo community neighborhood and what
23 they endured over the years.

24 REPRESENTATIVE VEASEY: Correct.

25 REPRESENTATIVE BURNAM: A couple of weeks

1 ago when we had the Immigrant Rights Rally here, I was
2 in the crowd and I made mention of the fact of
3 legislators in the '50s and the '60s, and Jim Crow
4 times.

5 And I said that this session was shaping up
6 to be the most overtly racist session that I have
7 witnessed in 25 or 30 years.

8 Do you think what we have seen and heard
9 today bears up on my comments?

10 REPRESENTATIVE VEASEY: I think that what
11 is being done here today is no different than the things
12 that were done here in the '50s. No different than the
13 things that were done here previous to that. The things
14 that were done here during reconstruction and before.

15 I think it's horrible. I think it
16 discriminates against people. I think that we'll look
17 back in shame. And I think that we'll all look back and
18 say, you know, that's wrong.

19 People always do that. There is not a
20 person here that will say what happened in the '60s, and
21 what happened in the '50s was the right thing.

22 Back then everybody thought it was the
23 right thing, but nobody would say it was the right thing
24 today. But back then it was very socially acceptable.
25 It was the right thing to do. As a matter of fact, if

1 you didn't go along with school -- if you weren't
2 against school desegregation back in the 1950s, then you
3 were seen is as an oddity in your community. You
4 probably weren't invite to come back to the Lions Club.

5 REPRESENTATIVE BURNAM: Mr. Veasey, you
6 know that I'm extremely proud that your grandmother and
7 your mother are my constituents, and I bet you also know
8 that they are extremely proud of you today.

9 REPRESENTATIVE VEASEY: Thank you very
10 much.

11 And I think it's time to close, and I want
12 to thank my colleagues for joining me.

13 But the people that will lose out in
14 because of this bill will mainly be Hispanics and
15 blacks, poor, elderly, rural, and it's a shame that
16 we're traveling back in history instead of moving
17 forward and winning the future.

18 Thank you.

19 THE CHAIR: The Chair recognizes
20 Representative Martinez in opposition.

21 REPRESENTATIVE MARTINEZ: Thank you,
22 Mr. Speaker, Members.

23 The foundation has been laid and the bricks
24 and the mortar to start the building of a wall has
25 commenced. And although this is not a wall for a

1 building, this is a wall built as yet another barrier,
2 another obstacle for minorities.

3 This Voter ID Bill or should I say this
4 voter restriction, Voter Suppression Bill is one of the
5 toughest in the country.

6 A bill that oppresses minorities and their
7 right to vote. A bill written and fortified on pure
8 speculation. For those members that have come up here
9 are and have talked about seeing voter fraud, why didn't
10 you do anything about it?

11 Pure speculation, Members. Many of you
12 were in this chamber have never had to experience not
13 being served at a restaurant or having to pick up your
14 order at a back door or being treated differently
15 because of your race or the color of your skin.

16 I can still remember growing up and hearing
17 my grandparents and my parents saying that they couldn't
18 go to the south side of town after 10:00 o'clock because
19 of their race. I can remember my grandfather saying
20 that he couldn't pick up his order in a restaurant or be
21 seated because he was Hispanic because he was Mexican
22 American. All this happened because of their race.

23 This bill, Members, is a personal attack on
24 minorities. This bill undermines every civil rights
25 most. The work of every civil rights leader and most of

1 all undermines every minority in this state.

2 Some members in this chamber can go back,
3 you can check off your political agenda. You've done
4 what you've had to do. You're going to vote on this
5 bill.

6 But to some of us it is personal. This is
7 our voice. This is the voice of the minorities I
8 represent in my district. The voice of the minorities
9 across the state of Texas, and we're taking a stand
10 against continuous oppression and percent execution that
11 this bill brings.

12 To our minority members in this House, I
13 ask you to stand with me today. To members who care
14 about the minorities you represent, I ask you to stand
15 with me today so we can together vote against the
16 continued oppression, persecution and voter suppression
17 in this state.

18 Thank you.

19 REPRESENTATIVE REYNOLDS: Mr. Speaker?

20 THE CHAIR: Mr. Reynolds, for what purpose?

21 REPRESENTATIVE REYNOLDS: Will the
22 gentleman yield?

23 THE CHAIR: Will you yield?

24 REPRESENTATIVE MARTINEZ: I yield.

25 THE CHAIR: The gentleman yields.

1 REPRESENTATIVE REYNOLDS: Are you familiar
2 with Proverbs 3:1:89?

3 REPRESENTATIVE MARTINEZ: I would like for
4 you to please refresh my memory on that Representative
5 Reynolds.

6 REPRESENTATIVE REYNOLDS: Well, I would say
7 that Proverbs 3:1:89 simply says, "Speak out, for the
8 one who cannot speak. For the rights of those who are
9 doomed. Speak out, judge fairly and defend the rights
10 of oppressed and need I people."

11 Would you say that that scripture, pretty
12 much, summarizes the sentiments of the statement that
13 you made in opposition of this SB 14?

14 REPRESENTATIVE MARTINEZ: Absolutely
15 Representative. And I'm on a roll. If you give it to
16 me right now, I'll recite it to you right now.

17 REPRESENTATIVE REYNOLDS: Proverbs 3:1:89.

18 REPRESENTATIVE MARTINEZ: Thank you.

19 THE CHAIR: Mr. Martinez-Fischer, for what
20 purpose?

21 REPRESENTATIVE MARTINEZ-FISCHER: I'd like
22 to move to add the remarks of Representative Veasey,
23 Representative Martinez.

24 THE CHAIR: Members, you've heard the
25 motion. Is there an objection?

1 The Chair hears none.

2 So ordered.

3 If anyone else wishing to speak for or
4 against the bill?

5 The Chair recognizes Representative Harless
6 to close.

7 REPRESENTATIVE HARLESS: Mr. Speaker,
8 Members, it's been a very long day.

9 REPRESENTATIVE YVONNE DAVIS: Mr. Speaker.

10 THE CHAIR: Ms. Davis, for what purpose?

11 REPRESENTATIVE YVONNE DAVIS: May I ask the
12 gentlelady a question before she's closing? I think
13 this would be part of her closing remarks.

14 THE CHAIR: Ms. Harless, do you yield?

15 REPRESENTATIVE HARLESS: Yes.

16 THE CHAIR: The lady yields.

17 REPRESENTATIVE YVONNE DAVIS: Thank you.

18 Representative Harless, I just want to get
19 on the record because there's been some discussion with
20 regard are to the cost of the bill and funding for the
21 bill.

22 And so I'd like to ask you if you could
23 explain to me who's going to pay for this legislation
24 we're passing? What is your understanding of who will
25 pay for it?

1 REPRESENTATIVE HARLESS: My understanding
2 is that there's a \$2.24 million fiscal note on it. We
3 have money in the General Appropriations Bill and we
4 have a contingency rider. There's HAVA funds available
5 if we request them and we are approved.

6 REPRESENTATIVE YVONNE DAVIS: Is it your
7 explanation that there are actually two riders then?

8 REPRESENTATIVE HARLESS: Yes.

9 REPRESENTATIVE YVONNE DAVIS: Okay. So you
10 mentioned two. So it's just the one contingency rider
11 that deals with HAVA funds; is that correct?

12 REPRESENTATIVE HARLESS: I don't know. I
13 don't remember mentioning two. There is only one rider,
14 there always has been and there is only one required
15 rider.

16 REPRESENTATIVE YVONNE DAVIS: Okay. And so
17 if those HAVA funds and those HAVA funds represent
18 federal funding from the Obama administration; is that
19 correct?

20 REPRESENTATIVE HARLESS: Yes, they do.

21 REPRESENTATIVE YVONNE DAVIS: Okay. If
22 those HAVA funds are not funded at the 2.02 level or if
23 they are not funded at all, is there money for
24 implementation of this bill to your knowledge?

25 REPRESENTATIVE HARLESS: Yes.

1 REPRESENTATIVE YVONNE DAVIS: And could you
2 explain what that funding would be.

3 REPRESENTATIVE HARLESS: I think we have
4 General Appropriations Funds set aside for this funding
5 of this bill to educate voters.

6 REPRESENTATIVE YVONNE DAVIS: Okay. And is
7 that a different rider than the one we just talked
8 about?

9 REPRESENTATIVE HARLESS: In the
10 Appropriations Bill that was laid out in January or
11 February on Page I92, there's \$39 million of HAVA funds
12 underneath the Secretary of State. And for this coming
13 year, and \$9 million for the next year, 2013.

14 REPRESENTATIVE YVONNE DAVIS: So is your
15 representation that we don't have the funds associated
16 with this contingency rider but they will be using funds
17 that have already been received and will be used for a
18 new program?

19 REPRESENTATIVE HARLESS: They're received
20 and they're used for election training.

21 REPRESENTATIVE YVONNE DAVIS: But are they
22 already obligated or are they additional funds? They're
23 existing funds that we have that are not obligated in is
24 that your understanding?

25 REPRESENTATIVE HARLESS: Yes.

1 REPRESENTATIVE YVONNE DAVIS: And so we, in
2 fact, would not have to apply for this money under Rider
3 No. 11, the contingency appropriation based on what you
4 just articulated; is that correct?

5 REPRESENTATIVE HARLESS: You have to ask
6 for approval from the election administration to use
7 those funds for this source. That was the testimony in
8 Committee.

9 REPRESENTATIVE YVONNE DAVIS: Okay. So I
10 guess I want to make sure that I understand.

11 Your representation is that the Secretary
12 of State already has HAVA funds that have not been
13 appropriated that we can utilize for this program,
14 whether we get additional funds or not won't matter? Is
15 that what you're saying?

16 REPRESENTATIVE HARLESS: I'm not on the
17 finance committee, but I know what's in the
18 appropriation bill. There is money there for that.

19 REPRESENTATIVE YVONNE DAVIS: Okay. But I
20 want to make sure I'm asking it correctly because in the
21 bill that we're going to take up next week, are you
22 suggesting that based on that bill, the bill that's
23 going to come to us, the funds have not been
24 appropriated, so if we don't get new funds, we have
25 funds available for this program?

1 REPRESENTATIVE HARLESS: If we don't get
2 new funds, we already have HAVA money sitting in the
3 general revenue. The testimony in Committee is the
4 Secretary of State and McGeehan has said we have
5 received some \$32 million of HAVA funds. We have spent
6 up to whatever the difference is that equals the
7 \$43 million. And that money is to be spent for election
8 training.

9 It's in the General Appropriations Bill
10 that Chairman Pitts has laid out at the beginning of the
11 session.

12 I'm not sure what the next appropriation
13 bill is, what we'll vote on, what we'll actually have in
14 it because I don't serve on Appropriations.

15 REPRESENTATIVE YVONNE DAVIS: Okay. For
16 Members, for those of us who don't serve on
17 Appropriations either, I don't either, so I'm trying to
18 understand are where the moneys going to come from and
19 to the extent be that we don't need these funds and we
20 already have money allocated.

21 I just want to make sure that I ask the
22 question: If we don't get additional funds, will we
23 have -- will there be an issue with regard to this bill
24 being passed begun down to our counties and they're
25 being responsible to implement this without additional

1 resources from the State?

2 REPRESENTATIVE HARLESS: The counties pass
3 what the Secretary of State passes down. They receive
4 funds for this. This is part of their normal duties.

5 Every session there is some election law
6 changes. It is my understanding from testimony from
7 Harris County, that this is in their normal practice.

8 REPRESENTATIVE YVONNE DAVIS: This is a
9 little bit more than normal practice because we're
10 altering the entire process.

11 And so to the extent that this is a totally
12 new program, the costs would be much greater than they
13 traditionally would have programs that were
14 continuations of our existing programs, wouldn't you
15 say?

16 REPRESENTATIVE HARLESS: Yes. There was
17 testimony in Committee. The Secretary of State spent a
18 lot of time talking about what they wanted to do and
19 what they would look to other states for best practices.

20 They have budget set aside every single
21 year to enact new changes in Election Code.

22 REPRESENTATIVE YVONNE DAVIS: And my last
23 question is: Based on that then we really don't need
24 this contingency rider? Is that what you're suggesting,
25 based on your comment?

1 REPRESENTATIVE HARLESS: It could be
2 possible but I didn't want to take any chance.

3 REPRESENTATIVE YVONNE DAVIS: Okay. But
4 you're sure that we don't have to worry about our
5 counties contacting us with regard to additional
6 expenses, whether implementing a new voter plan without
7 having received money from the state? Is that your
8 representation?

9 REPRESENTATIVE HARLESS: That is my
10 understanding have the county receives money from the
11 Secretary of State that comes from --

12 REPRESENTATIVE YVONNE DAVIS: That's a
13 different question.

14 My question is: Based on implementing a
15 new program, do we expect that the counties will incur
16 additional costs to implement the new program that we
17 will not fund?

18 REPRESENTATIVE HARLESS: I do not expect
19 them to, but I cannot say for sure that they won't have
20 additional costs.

21 REPRESENTATIVE YVONNE DAVIS: And if there
22 are additional costs based on us passing this new bill,
23 you're suggesting that the counties would then be
24 responsible for those costs?

25 REPRESENTATIVE HARLESS: Excuse me? Say

1 that one more time.

2 REPRESENTATIVE YVONNE DAVIS: Are you
3 suggesting that the counties could have additional costs
4 associated with implementation of this program that we
5 would not send funds to the counties for this program?

6 REPRESENTATIVE HARLESS: The counties have
7 additional costs on a lot of legislation we passed and a
8 lot of it is selection. Every other session we pass new
9 election laws that the county has to implement with this
10 bill.

11 I don't know if they will with this bill.

12 REPRESENTATIVE YVONNE DAVIS: Is it your
13 intent that this bill would not put an additional cost
14 on the counties with regard to implementation of this
15 new program?

16 REPRESENTATIVE HARLESS: That is my intent.

17 REPRESENTATIVE YVONNE DAVIS: Okay.

18 Mr. Speaker, I'd like to move to have
19 dialog between me and Ms. Harless reduced into writing
20 and placed in the journal.

21 THE CHAIR: Members, is there an objection?

22 The chair hears none.

23 So ordered.

24 REPRESENTATIVE LARRY GONZALES:

25 Mr. Speaker.

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1 THE CHAIR: For what purpose, Mr. Gonzales?

2 REPRESENTATIVE LARRY GONZALES: To ask a
3 couple of questions.

4 THE CHAIR: Will the lady yield?

5 REPRESENTATIVE HARLESS: Yes, sir.

6 THE CHAIR: The gentlelady yields.

7 REPRESENTATIVE LARRY GONZALES: First of
8 all thank you.

9 REPRESENTATIVE HARLESS: You're welcome.

10 REPRESENTATIVE LARRY GONZALES: Thank you
11 for all you've done for all your hard work have we
12 appreciate it very much.

13 I stand here before you as a very proud
14 Latino and I've got some questions for you.

15 REPRESENTATIVE HARLESS: Okay.

16 REPRESENTATIVE LARRY GONZALES: Is it your
17 intention for this bill to disenfranchise ethnic
18 minority voters?

19 REPRESENTATIVE HARLESS: No, sir.

20 REPRESENTATIVE LARRY GONZALES: Is it your
21 intention of anybody who has joint authored or
22 co-authored this bill to disenfranchise ethnic minority
23 voters?

24 REPRESENTATIVE HARLESS: No, sir.

25 REPRESENTATIVE LARRY GONZALES: Is it your

1 intention for this bill to disenfranchise any voter,
2 regardless of race, ethnicity, social economic status,
3 disability, age or any combination thereof?

4 REPRESENTATIVE HARLESS: No.

5 REPRESENTATIVE LARRY GONZALES: Is it the
6 intention of anybody who is a joint author or co-author
7 of this bill to disenfranchise any voter, regardless of
8 race, ethnicity, social economic status, disabilities,
9 age, any combination thereof?

10 REPRESENTATIVE HARLESS: No, it is not.

11 REPRESENTATIVE LARRY GONZALES: So we are
12 not targeting my Hispanic, 86-year old grandfather?

13 REPRESENTATIVE HARLESS: No, we're not.

14 REPRESENTATIVE LARRY GONZALES: So we are
15 not targeting my Hispanic 84-year old grandmother?

16 REPRESENTATIVE HARLESS: No.

17 REPRESENTATIVE LARRY GONZALES: Does this
18 bill in any way disenfranchise any voter?

19 REPRESENTATIVE HARLESS: No.

20 REPRESENTATIVE LARRY GONZALES: Would you
21 agree that the heart and the soul of our republic is the
22 elections process? That these results determine our
23 policy makers and the decisions they make which effect
24 our every day lives, that it is imperative the voters of
25 Texas have confidence in the integrity of the elections

1 process and that SB 14 goes a very long way to
2 accomplish and secure the voters' confidence.

3 REPRESENTATIVE HARLESS: I think it
4 absolutely does.

5 REPRESENTATIVE LARRY GONZALES:
6 Mr. Speaker, I move the conversation between
7 Representative Harless and I be reduced to writing and
8 placed in the House Journal.

9 THE CHAIR: Members, you've heard the
10 motion. Is there an objection?

11 The the Chair hears none.

12 So ordered.

13 REPRESENTATIVE GARZA: Mr. Speaker.

14 THE CHAIR: Mr. Garza, for what purpose?

15 REPRESENTATIVE GARZA: Will the lady yield?

16 THE CHAIR: Will the lady yield?

17 REPRESENTATIVE HARLESS: I yield.

18 THE CHAIR: The lady yields.

19 REPRESENTATIVE GARZA: Representative
20 Harless, I wanted to echo the sentiments of
21 Representative Gonzalez.

22 I come from the west side of San Antonio.
23 My father was the first-generation Hispanic who served
24 in the military for over 20 years. And I came to this
25 place to basically, the House of Representatives, to

1 basically, the attitude that minorities, especially we
2 as Hispanics, are disabled in our ability to get an
3 identification, a driver's license, to be able to do
4 what it takes to exercise our right to vote, is
5 sometimes insulting.

6 We have the ability, we have the right.
7 And my father and many of the Hispanics that are here
8 are examples. That we are able and we want to begin to
9 proceed claim the ability of our people to achieve the
10 many things that we have as a race.

11 So, I think, the positive part is we are
12 able and our people are able to achieve these things
13 that have been said that they are not able or
14 disenfranchised or unable to do.

15 And being a Texan and being a Hispanic, I
16 know that we are able to overcome and we have overcome,
17 and we will continue to overcome.

18 But to answer some of the questions that
19 caused some of the confusion to some of the
20 representatives, I wanted to ask you specifically: Will
21 this bill encourage voter participation by all Texans
22 regardless of race, ethnenticity, socio-economic status,
23 their disability, their age or any of the combinations
24 thereof? By giving them confidence in the election
25 process that Representative Aliseda spoke about?

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1 REPRESENTATIVE HARLESS: I believe it will.

2 REPRESENTATIVE GARZA: And let me ask you
3 again: With the passage of this bill: Will all Texans,
4 including those mentioned, have equal access to this
5 election process with the passage of this bill?

6 REPRESENTATIVE HARLESS: Yes.

7 REPRESENTATIVE GARZA: So will Hispanic
8 voters in my district, House District 117, have full
9 confidence that their vote will count in a trustworthy
10 election process?

11 REPRESENTATIVE HARLESS: Yes.

12 REPRESENTATIVE GARZA: And the African
13 American voters in my district -- they'll have full
14 confidence that their vote will count in this
15 trustworthy election process?

16 REPRESENTATIVE HARLESS: Yes.

17 REPRESENTATIVE GARZA: Okay. And finally:
18 Every voter in my district of 117 in San Antonio and in
19 every House District in the State of Texas, regardless
20 of race, ethnicity, their socio economic status, their
21 disability, age or again, any combination thereof, will
22 have full confidence that their vote will count in a
23 trustworthy election process?

24 REPRESENTATIVE HARLESS: Absolutely. Yes.

25 REPRESENTATIVE GARZA: Mr. Speaker, can I

1 have the comments between Representative Harless and
2 myself reduced to writing and entered into the House
3 Journal?

4 THE CHAIR: Members, you've heard the
5 motion. Is there an objection?

6 The the Chair hears none.

7 So ordered.
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1 STATE OF TEXAS:

2
3 COUNTY OF HARRIS:

4
5 I, Kateri A. Flot-Davis, Certified
6 Shorthand Reporter in and for the State of Texas, hereby
7 certify that the foregoing transcript is done to the
8 best of my ability and reflects proceedings heard on
9 video recording.

10 I further certify that I am neither
11 counsel for, related to, nor employed by any of the
12 parties or attorneys in the action in which this
13 proceeding was taken, and further that I am not
14 financially or otherwise interested in the outcome of
15 the action.

16 Certified to by me this ____ of
17 _____, ____.

18
19
20
21 _____
22 Kateri A. Flot-Davis
23 Texas CSR No. 8462
24 Expiration Date: 12-31-13
25

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HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIRST DAY — THURSDAY, MARCH 24, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 153).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

The invocation was offered by Toby Castleberry, senior pastor, Calvary Baptist Church, Vernon, as follows:

Dear Heavenly Father, today we come into your presence recognizing you, honoring you, and worshipping you. We acknowledge you as our creator, as our sustainer, as our provider, and most of all, as our redeemer. Today we lift up your high and holy name.

Dear Heavenly Father, today we thank you. We thank you for your blessings poured out upon us as a nation, poured out upon us as a state. We thank you for your grace, for your mercy, and for your love.

Father, as we see you this morning we also see ourselves, and we ask that you forgive us. Forgive us when we fail you. Forgive us when we forsake you. Forgive us when we live in neglect of you.

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Lord, now today, I pray for those who will labor in this house, for those who will make decisions today, for those who represent our state. I pray that you lead them. I pray that you guide them. I pray that you encourage them. I pray that you will strengthen them. I pray for their families, for their spouses, for their kids, and their grandkids. I pray that you greatly bless them. I pray all of this for your purpose and for your glory. In my king's name, I pray. In Jesus' name. Amen.

The speaker recognized Representative Lozano who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Lozano and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative Larson who presented Dr. Tamara Dominguez of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Dominguez and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HB 1 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **HB 1** (the general appropriations bill):

During second reading and third reading consideration of the bill, any amendment that adds or increases an item of appropriation in Articles I-X is not in order unless the amendment contains an equal or greater reduction in one or more other items of appropriation in one of those articles from the fund or funds against which the appropriation is to be certified. The provisions of this rule do not apply to an amendment that makes an adjustment in an item of appropriations solely to correct a technical clerical error.

The Committee on Calendars rule was adopted by (Record 154): 143 Yeas, 0 Nays, 1 Present, not voting. (The vote was reconsidered later today, and the Committee on Calendars rule was adopted by Record No. 155.)

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg;

Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Brown; Hernandez Luna; Lucio; Mallory Caraway; Patrick; Torres.

STATEMENTS OF VOTE

When Record No. 154 was taken, my vote failed to register. I would have voted yes.

Hernandez Luna

When Record No. 154 was taken, my vote failed to register. I would have voted yes.

Lucio

When Record No. 154 was taken, my vote failed to register. I would have voted yes.

Mallory Caraway

When Record No. 154 was taken, my vote failed to register. I would have voted yes.

Patrick

(Torres in the chair)

HR 298 - PREVIOUSLY ADOPTED (by Hardcastle)

The chair laid out and had read the following previously adopted resolution:

HR 298, Recognizing March 24, 2011, as Wilbarger County and City of Vernon Day at the State Capitol.

INTRODUCTION OF GUESTS

The chair recognized Representative Hardcastle who introduced a delegation from Wilbarger County.

HR 937 - ADOPTED (by Walle)

Representative Walle moved to suspend all necessary rules to take up and consider at this time **HR 937**.

The motion prevailed.

The following resolution was laid before the house: